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Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Zulma Roundtree at zroundtree@norwalkct.gov to provide written public comment prior to the meeting.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES:

Regular Meeting: March 15, 2023

IV. MEETING WITH MEMBERS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

V. DISCUSSION: ARTICLES I – III, VI

- A. §3-3.C, §6-3, §6-4 and §6-5 - Sheriff, Selectmen and Constables
- B. §3-6. B (1) - Mayoral Succession and Temporary Disability
- C. Background Document #5 re – Term of Office and Term Commencement Date
- D. List of Critical Charter issues for Public Hearing on 5 April 2023

VI. OVERVIEW ARTICLE IV - COMMON COUNCIL

VII. COUNSEL DISCUSSION OF STATUS – WHAT’S NEXT?

- A. Articles V, VII and VIII (Mayor, Boards, Commissions and Departments)

VIII. DISCUSSION OF PUBLIC COMMENT ON CRITICAL CHARTER ISSUES

IX. ADJOURNMENT

**CITY OF NORWALK
CHARTER REVISION COMMISSION
MARCH 15, 2023**

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Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Irene Dixon at idxon@norwalkct.org to provide written public comment prior to the meeting.

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

OTHERS: Steven Mednick, Commission Counsel

I. CALL TO ORDER

Ms. Brescia called the meeting to order at 6:32 p.m.

II. ROLL CALL

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

III. APPROVAL OF MINUTES:

Regular Meeting: March 1, 2023

**** MR. DICKENS MOVED TO APPROVE THE MINUTES AS PRESENTED**
**** MS. WATFORD RALEIGH SECONDED**
**** MOTION PASSED UNANIMOUSLY**

IV. MEETING WITH (A) TREASURER; (B) SHERIFF; (C) SELECTMEN; AND, (D) CONSTABLES

Ms. Brescia said she had hoped to have visitors, but they were unable to attend.

Following a brief discussion, the Commissioners agreed to hold a meeting on March 29, 2023 and invite members of the Board of Education along with the Treasurer, Sheriff, Selectmen and Constables. Mr. Mednick will send invites tomorrow.

A public hearing will be held on April 4, 2023 with the following agenda:

6:30 p.m. - Treasurer, Sheriff, Selectmen and Constables

7:00 p.m. – Board of Education

The public hearing will be offered as a hybrid opportunity.

V. DISCUSSION: ARTICLES I – III, VI

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

This item was not discussed this evening.

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

Mr. Mednick shared his screen showing the current Charter. He said that nothing in the current Charter addresses the temporary absence or disability of the Mayor. The Commissioners discussed this item and Mr. Mednick shared provisions from other cities. Mr. Mednick said they need to address what length of time constitutes a temporary disability. It was also discussed whether or not a Mayor would have some expectation of privacy regarding their temporary disability.

Mr. Mednick will provide a draft for a two year term and a four year term.

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

Mr. Mednick explained that Norwalk has a very short time period between the time of the election and the time a person takes office. Ms. Brescia cautioned against choosing a date, because it could fall on a holiday. The Commissioners discussed using the first business day in January.

D. List of Critical Charter issues for Public Hearing on 5 April 2023

The Commissioners discussed the list of critical items for the April 5th public hearing. It was suggested they think about how to maximize the public participation at that meeting. Mr. Fairbairn said he started working on an Op Ed and would like to get it out next week.

Mr. Mednick said they need to be careful and mindful that they do not have a lot of time after the April 5th meeting. He said they are reforming the document, not the government. There are not going to be a long list of radicle changes. They need to be clear about what the asks are. They also need to focus on the understandability of the document.

VI. OVERVIEW ARTICLE IV AND V – COMMON COUNCIL AND MAYOR

Ms. Brescia shared concerns raised by members of the Common Council that need to be addressed. These items included an increase in pay, a physical office and a staff person assigned to them.

Mr. Mednick said he hopes to have a complete document by the end of April, early May.

Mr. Mednick addressed increasing the pay for members of the Common Council and said that Legislative salaries, by law, have to go to a Referendum.

VII. COUNSEL DISCUSSION OF STATUS – WHAT’S NEXT?

A. Articles VII and VIII (Boards, Commissions and Departments)

B. Public or Comment on Critical Charter Issues

These sections are being worked on.

Mr. Mednick asked all Commission members to send him feedback on the changes. He added that that he hopes to have all ambiguous language removed from the document.

VIII. **ADJOURNMENT**

**** MR. DICKENS MOVED TO ADJOURN**
**** MR. FAIRBAIRN SECONDED**
**** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 8:30 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services



MEMORANDUM

TO: Members, Norwalk Board of Education, Dr. Alexandra Estrella

CC: Attorney Steven Mednick

FROM: Thomas Mooney

RE: Proposed Charter Changes

DATE: March 27, 2023

In anticipation of the meeting on March 29 at 7:00 p.m., I have reviewed the proposed changes to the Charter provisions regarding the Board of Education as well as the proposed Charter changes regarding the budget process. In the following, I will briefly describe the provisions and offer my comments on their terms.

I. BOARD OF EDUCATION PROVISIONS

The proposed provisions relating to the Board of Education largely track state statutes, and my comments on these provisions follow.

I note that §9-1(5) designates the Mayor as “Non-Voting Chair of the Board,” and that the Board of Education must elect a “Chair pro tempore,” who presides over Board meetings in the absence of the Mayor. Clarification of the further duties of the Chair pro tempore is advisable, because in the provisions concerning budget, reference is made to actions to be taken by the “Chair of the Board of Education,” which in context presumably does not refer to the Mayor but rather to the Chair pro tempore.

I also note that the proposed Charter provision contemplates only a Chair and Secretary (the two officers specified in Conn. Gen. Stat. Section 10-218) as Board of Education officers, but the Board currently has a Vice-Chair position, as do most boards of education. Moreover, the second sentence of § 9-1(A)(5) can be read simply to permit the Board of Education to prescribe the duties of the Secretary, but not the duties of the Chair or Vice-Chair. Accordingly, I suggest that this sentence be revised to be two sentences to read as follows

It shall also elect from its number a Secretary, who shall keep a record of all votes, acts and transactions of the Board, ***and a Vice-Chair. The Chair, Vice-Chair, and Secretary*** ~~and~~ shall perform all duties imposed by the Board or by law.

I also suggest a minor technical revision to § 9(A)(6). The statutes refer to “election” of the Superintendent (Conn. Gen. Stat. 10-157), but to “employment” of teachers (which includes certified staff members up to (but not including) the rank of Superintendent (Conn. Gen. Stat. § 10-151). Accordingly, I suggest the following technical revisions:

(6) **Appointment of Superintendent.** The Board shall elect a Superintendent of Schools, in accordance with the General Statutes, and, ***acting though the Superintendent or otherwise, shall employ*** such number of assistants, principals, and teachers as it may deem necessary and prescribe their respective terms of office and duties.

As to § 9(A)(7), I look forward to the discussion on Wednesday, because I am not sure what this provision means.

Section 9(A)(8) regarding the filling of vacancies provides that the Common Council will not have the power to fill any vacancies on the Board of Education. I further note that Conn. Gen. Stat. § 7-107 provides:

Sec. 7-107. Vacancy appointments by selectmen. Except as otherwise provided by law, if any vacancy occurs on any town board or commission, and such board or commission has power by law to fill such vacancy but fails to do so within thirty days after it occurs, the board of selectmen or chief executive authority of such town may appoint a qualified person to fill such vacancy until the next municipal election.

Is it thus the intent of the Commission that the Mayor would fill a vacancy on the Board of Education if the Board of Education does not fill the vacancy within thirty days?

I note that §9(A)(9), Duties of Board, tracks the language in §1-517 in the current Charter. However, the language includes an archaic sentence fragment that should be deleted:

(1) The Board of Education of the City of Norwalk shall have charge and direction of the public schools in the City and of the expenditure of moneys appropriated for the support of the same. This authority shall not include erection of new schools or additions to the present buildings. The Board shall keep all the school buildings and apparatus used therein in good condition and repair, and shall have the powers and be subject to the general duties and limitations of Boards of Education ~~–School Committees and school visitors in this state~~, so far as the same are consistent with the provisions of §§ **1-517** to **1-519**. It shall make its by-laws, define the duties of its officers and committee and prescribe rules and regulations for discipline in the public schools.

Also, in reviewing §§ 1-517 to 1-519 of the current Charter, I presume that the plan is to remove §§ 1-516 through 1-520 from the revised Charter, given that the provisions of these current Charter sections are now all addressed in new Section 9. If that is the plan, it appears that § 9(A)(9) should be further revised to delete the reference to those sections. Moreover, current § 1-518, which refers only to salaries of district employees, appears to be completely superseded by the provisions concerning the budget process more generally.

Section 9-1(10), Board Reports, tracks the current Charter, § 1-520.

Section 9-2 and Section 9-3 do not invite any comment.

Section 9-4, Compliance and Cooperation, is new. However, it simply codifies the principle that the Board of Education “shall cooperate” with the various City bodies “as set forth in this Charter and as otherwise required by Law.”

Section 9-5, Reporting Requirements, is new, and I recommend that there be further discussion (and ultimately revision) of this Section as to its purpose and scope. The proposed provision reads as follows:

Unless otherwise specifically prohibited by the General Statutes, commencing on the 1st day of July and every quarter thereafter, the Board of Education shall file with the Mayor, Board of Estimate and Taxation and Common Council, a quarterly report on all contracts (including, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements) entered into on behalf of the City, including but not limited to, those executed within the budget limits or other authority established under Law; however, excluding all such contracts (as defined in this subsection) as may be exempted from disclosure by federal or state Law or otherwise not capable of redaction in order to protect statutory privacy rights of individuals.

My questions concerning this proposed new provision include the following:

- What is the purpose of this provision?
- Is the term “contracts” intended to refer only to agreements that establish a financial obligation? Boards of education often enter into MOAs with union representatives to address specific personnel issues or more general issues of contract interpretation and implementation. Would those MOAs be covered?
- What is meant by the phrase “including but not limited to, those executed within the budget limits,” because presumably all contracts with financial obligations will be within “the budget limits.”
- What contracts would be exempt from disclosure pursuant to the last sentence? Board of education contracts are public records, and presumably the only contracts that would be subject to redaction would relate to individual students, such as an out-placement contract for a child in need of special education services. However, the Freedom of Information Commission has ruled that even such contracts are subject to disclosure with appropriate redactions to protect the privacy of the individual student.

II. PROVISIONS RELATED TO THE BUDGET PROCESS

Given the extensive provisions of proposed Article X, “Budget, Public Funds and Finance,” my comments will perforce be more general in nature.

Clarification of Section C(3) is advisable. As noted above, the Mayor is designated at the Chair of the Board of Education, and the Board of Education is responsible for electing a Chair pro tempore. This section simply refers to the “Chair of the Board of Education,” and it refers separately to the Mayor. Presumably, the reference to the Chair of the Board of Education is to the Board of Education Chair pro tempore. Also, in reading this provision, I was not certain whether it contemplates that these various officials would hold hearings together, or whether, e.g., the Board of Education (and other City agencies) would hold a hearing or hearings on its (or their) own.

Further discussion of § 10-2 would be helpful. Conn. Gen. Stat. § 10-222 provides in relevant part that:

Each local board of education shall prepare an itemized estimate of the cost of maintenance of public schools for the ensuing year and ***shall submit such estimate to the board of finance in each town or city having a board of finance***, to the board of selectmen in each town having no board of finance or otherwise to the authority making appropriations for the school district, not later than two months preceding the annual meeting at which appropriations are to be made. (Emphasis added)

However, § 10-2 appears to contemplate that the Board of Education will submit its itemized budget estimate to the Mayor. As we read further to § 10-3, is the expectation that the Mayor will convey the budget request of the Board of Education to the Board of Estimate and Taxation as presented by the Board of Education without change?

As to § 10-6, Review by the Common Council, will any vote on the “maximum limit on total appropriations for the City” be a single amount that applies to the Board of Education and City budget estimates together?

I note that §§ 10-8 and 10-9 provide that the Board of Estimate and Taxation then submits its proposed final budget to the Common Council, which will then have the opportunity to amend the maximum limit of total appropriations for the City, but only by a two-thirds vote of the membership, after which the Board of Estimate and Taxation then issues its final proposed budget. Also, do I correctly understand that § 10-9(E) provides that the final budget proposed by the Board of Estimate and Taxation may be subject to referendum? If so, what are the prerequisites for any such referendum?

In reviewing the provisions of § 10-11, I note that a supplemental appropriation may be made only by the Board of Estimate and Taxation only with the approval of the Common Council on an affirmative vote of 2/3ds of the entire membership of the Council. I also note that Conn. Gen. Stat. § 10-222 also addresses the issue of supplemental appropriations:

If any occasion arises whereby additional funds are needed by such board, the chairman of such board shall notify the board of finance, board of selectmen or appropriating authority, as the case may be, and shall submit a request for additional funds in the same manner as is provided for departments, boards or agencies of the municipality and no additional funds shall be expended unless such supplemental appropriation shall be

granted and no supplemental expenditures shall be made in excess of those granted through the appropriating authority.

Presumably, should a supplemental appropriation be necessary, the Board of Education will follow this procedure. That said, a two-thirds vote of the entire membership of the Common Council seems to be a very high bar. Given the potential for unanticipated special education costs, for example, on rare occasion a supplemental appropriation may be necessary.

Finally, I suggest that the provisions concerning the capital budget process be revised to provide greater input directly from the Board of Education. Necessary upgrades and maintenance of educational facilities often compose a significant part of the capital budget for a municipality. As I read the proposed provisions concerning the formulation of the capital budget, however, there is formal provision to hear from the Board of Education only at the beginning of the process at public hearings held by the Planning and Zoning Commission before February 15 of each year, which public hearings include every other City department. The procedures go on to provide that the Planning and Zoning Commission will prepare a report on whether the proposed capital projects are consistent with the Norwalk Plan of Conservation and Development, and the Planning and Zoning Commission is required to send that report to the Mayor, the Common Counsel, and the Board of Estimate and Taxation, but there is no reference to the Board of Education.

Thereafter, the proposed revisions go on to provide that the Mayor will submit the Proposed Capital Budget to the Board of Estimate and Taxation, with the further provision that the “Board [of Estimate and Taxation] shall approve the capital budget, incorporating therein the recommendations as the Mayor, the Planning and Zoning Commission and the Chief Financial Officer may make.” Again, there is no provision for the Board of Education to make recommendations. The proposed capital budget is then submitted to the Common Council for final action, by which it can “approve, reject, reduce or reinstate” any item in the proposed capital budget by a majority vote of these members present and voting.

Given the vital interest that the Board of Education has in the capital budget, I recommend that the Commission consider revisions that would give the Board of Education a voice throughout the capital budget approval process.

I hope that these observations and comments are helpful to the Board of Education and to the Charter Revision Commission. Thank you.

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ARTICLE V: THE MAYOR

§5-1. Authority of the Chief Executive Officer¹.

At each general municipal election, a Mayor shall be chosen by the Electors of the City. The Mayor shall be the chief executive officer of the City and, as such, the executive and administrative powers of the City are vested in the Mayor². The Mayor shall receive compensation as shall be set by the Council and shall devote full time to the duties of the office.

§5-2. Powers and duties of the Mayor.

The Mayor shall have the authority to take such actions (1) necessarily or fairly implied in or incident to the powers expressly granted by Law, including, but not limited to the General Statutes and Special Acts; and, (2) essential to the declared objects and purposes of the City, not simply convenient, but indispensable. In addition to those powers and duties and as further specified elsewhere in this Charter, the Mayor shall:

A. take care that the Laws, including the Ordinances be faithfully and vigilantly executed and enforced³.

B. (1) preside at all meetings of the Council and shall be notified of the time and place of holding of meetings of all Committees thereof and may attend said meetings, but shall have no vote therein, except in the case of a tie as set forth in §4-2.A(1)⁴; (2) recommend the adoption of such measures connected with the peace, security, health, cleanliness, and general well-being of said city, and the improvement of its government and finances as he shall deem expedient, and, (3) communicate to the Council at the end of each fiscal year a statement of the condition of the city in relation to its government, expenditures, finances, and improvements, which statement shall be entered upon the records of said city within five days after its reception, and published in such manner as said Council shall order⁵.

¹ 2023 recodification and modification of current Article V, Part 2 – Mayor. 1-226 (First sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

²2023 modification of current Article V, Part 2 – Mayor. 1-229, Derived from Sp. Laws 1913, No. 352, §64. Historical Editor's Note: See § 1-216 for powers and duties of Selectmen. In lieu of the following: "All duties required by law of Selectmen of towns, except such as are imposed upon them by the constitution of the state, shall be performed by the Mayor except as otherwise herein provided."

³ 2023 recodification and modification of current Article V, Part 2 – Mayor. 1-226 (First sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁴ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Second sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁵ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Tenth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

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C. execute contracts and other papers on behalf of the City⁶.

D. administer oaths and to take acknowledgments of deeds and other instruments⁷.

E. employ attorneys, other than the Corporation Counsel, in matters affecting the interest of said city, and all services rendered to said city by such attorneys shall be paid for in the same manner as other claims against said city, in the event the Mayor deems it necessary, subject to the consent of the Council, by a Majority Vote⁸.

Commented [S1]: Added Majority Vote Standard.

F. assign members of the clerical staff of any department, except that of the Board of Education, to work temporarily in any other department under the direction of the head thereof, when in the judgment of the Mayor needs of the city service require such assignment⁹.

Commented [S2]: What about Mayoral staff? There is no current provision?

§5-3. Mayoral Appointments¹⁰.

Commented [S3]: What about Mayoral staff? There is no current provision?

The Mayor shall, except as otherwise provided in this Charter,

(a) Appoint, subject to §7-1.B of Article VII of this Charter, all members of all Boards, Commissions, agencies, authorities and other bodies of the City created by the General Statutes or by Ordinance. Following October 1 of the year in which there is a mayoral election a Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) Days following the commencement of the term of office of the new Mayor. If the Mayor is re-elected this limitation shall not apply after the election. The Mayor shall have the power to initiate the removal of any appointee as set forth in section ___ of Article ___ of this Charter;

(b) Appoint, subject to §8-2.A(1) – (4) of Article VIII of this Charter, the Division Chiefs, Department Heads and Other Mayoral Executive Level Appointees, except as otherwise provided in this Charter or collective bargaining agreement, and such other officers and employees of the City as this Charter or an Ordinance of the Council consistent therewith may provide. Following October 1 of the year in which there is a mayoral election a Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) Days following the commencement of the term of office of the new Mayor. If the Mayor is re-elected this limitation shall not apply after the

⁶ 2023 recodification and edit of current Article V, Part 2 – Mayor. 1-226 (Third sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁷ 2023 recodification and edit of current Article V, Part 2 – Mayor. 1-226 (Fourth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁸ 2023 recodification and modification of current Article V, Part 2 – Mayor. 1-230, Derived from Sp. Laws 1913, No. 352, §66.

⁹ 2023 recodification of current Article V, Part 2 – Mayor. 1-232, Derived from Sp. Laws 1945, No. 269.

¹⁰ 2023 Recodification and modification of current Article V, Part 1 – General. §1-218. Derived from Sp. Laws 1913, No. 352, §74. Historical Editor's Note: See § 1-227 for powers and duties of appointive officers, in lieu of the following: "All officers required by law to be appointed by towns and by Selectmen of towns, not herein otherwise provided for, shall, on and after the first (1st) Monday of October, 1913, be appointed by the Mayor, subject to confirmation by the Council."

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election. The Mayor shall have power to remove any appointee, except a member of the Classified Service. The Mayor may suspend from duty for not more than thirty (30) Days any such appointee pending Final Action.

This provision shall not apply to Elected Officials who are Department Heads¹¹. Nothing in this section shall deprive the Council of the power of confirming any appointments for offices when such confirmation shall be required by the Charter¹².

Discussion Point II

A. Authority to Appoint Upon Taking Office¹³. The Mayor of the City of Norwalk to be elected at the city election to be held on the Tuesday after the first (1st) Monday in November 1979, and each Mayor elected biennially thereafter, shall make all appointments to city offices as provided by this Charter on the day of his taking office as Mayor.

B. Limitation of Appointment Authority¹⁴. No appointments or reappointments shall be made by any Mayor or Common Council and no vacancies shall be filled by any Mayor or Common Council after the seventh (7th) day prior to a municipal election and before the day of their taking office following the election in any municipal election year.

C. Temporary Vacancies¹⁵. The Mayor of the City of Norwalk may, with the approval of any appointive or elective officer of said city, appoint a person to perform all the duties and exercise all the powers of such office during such time as such officer shall be incapacitated by illness or absence from said city. Such appointee shall furnish an adequate bond for the performance of such duties. The Mayor shall notify such appointee of his release from such appointment upon notice from such officer of his ability to resume his duties.

Commented [S4]: Is this a power the Mayor cares about or has been utilized

The following provisions should be moved to the Articles pertaining to Department and Board and Commission Appointments.

¹¹ NEW (2023) .

¹² 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Fifth sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

¹³ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (First sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

¹⁴ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Fourth sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

¹⁵ 2023 recodification of current Article V, Part 2 – Mayor. 1-228, Derived from Sp. Laws 1933, No. 255.

D. Term of Appointment¹⁶. The officers so appointed shall serve for the term prescribed in said Charter for their respective offices and until their successors are appointed and have qualified.

Commented [S5]: MOVE THESE.

E. Vacancies¹⁷. The Mayor shall fill any vacancy occurring in any of the offices for the unexpired portion of the term.

§5-4. Hindering, Resisting or Abuse of Mayor; Penalties¹⁸.

Any person who shall willfully hinder, resist, or abuse the Mayor in the execution of his office, or who, when commanded to assist therein, being of sufficient age and ability, shall refuse or unreasonably neglect so to do, shall be fined not more than one hundred (\$100) dollars, or imprisoned not more than six (6) months, or both.

Commented [S6]: IT IS NOT CLEAR WHAT THE ORIGIN OF THIS PROVISION IS OTHER THAN WHAT IT SAYS. PERHAPS WE SHOULD RUN THIS BY THE CORPORATION COUNSEL TO SEE IF IT HAS EVER BEEN UTILIZED OR ENFORCED BY A COURT OF LAW.

§5-5. Organization of the Office of the Mayor¹⁹.

A. Appropriations. The Mayor may appoint a chief of staff and other clerical and subject matter assistant for which sufficient funds shall be appropriated in the operating budget.

B. Division Chiefs. The Mayor may appoint as employees of the City, except as otherwise provided by this Charter, up to five (5) Division Chiefs, as set forth herein. The Division Chiefs shall have professional qualifications in such fields as, but not limited to, economic and community development; community and human services; public administration and operations; infrastructure and public works; public safety; or, public finance. The Division Chiefs shall aid the Mayor in the carrying out of the Mayor's duties as chief executive and administrative officer of the City. The qualifications for the Division Chiefs shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be updated prior to the appointment of such Chief.

§5-5. City Clerk.

A. Appointment, Term and Salary of City Clerk²⁰. On the second (2nd) Tuesday following his election the Mayor shall appoint the City Clerk, subject to the approval of the Common Council, for a term of two (2) years or until his successor shall

¹⁶ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Second sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

¹⁷ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Third sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

¹⁸ 2023 Recodification of current Article V, Part 2 – Mayor §1-231. Derived from Sp. Laws 1913, No. 352, §66.

¹⁹ NEW (2023) .

²⁰ 2023 Recodification of current Article V, Part 3 – City Clerk §1-233. Derived from Sp. Laws 1947, No. 208, §1; Charter Amendment 9-2-1980. Historical Editor's Note: *Approved by the electorate at the general election held 11-4-1980.*

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have been appointed and qualified, unless removed for cause. The salary of the City Clerk shall be set by ordinance.

B. Duties of the City Clerk²¹. The Clerk of said city shall also be Clerk of the Council, and shall keep records of all the votes and proceedings of said city, and of said Council. Moreover, the Clerk shall:

(1) cause the ordinances of said city to be published according to law, and, when so published, shall enter upon the records his certificate thereof.

(2) cause to be served by the City Sheriff or other proper officer all notices or orders of the Council and shall enter upon the records the return of such service.

(3) issue over his signature such licenses and permits as may be granted by said Council or prescribed by the charter and ordinances of said city, and shall make a record thereof in a book kept for that purpose;

(4) collect the money due for such licenses or permits and pay the same to the Treasurer of said city every thirty (30) days;

(5) collect all such bills as the Council may order, and account for the same to said Treasurer;

(6) perform all such duties as may be required of him by this act or by any vote or ordinance of said Council;

(7) record all amendments to this Charter and all ordinances passed by the Council in a book kept for that purpose;

(8) keep his office open at such hours as the Council shall direct.

(9) be Clerk of the Board of Estimate and Taxation and shall keep true records of all the votes and proceedings of said Board, which records shall be at all times open to public inspection and preserved in the records of the city²².¹²¹ He shall be the Clerk of the Board of Assessors and of the Board of Relief. All records of such Clerk shall have the same validity as records of Town Clerks and shall be in all courts evidence of the truth of the matters therein contained, and a duly certified copy of any such records shall be received in all courts as evidence of the same validity as the original record²³.

²¹ 2023 Recodification of current Article V, Part 3 – City Clerk §1-234. Derived from Sp. Laws 1913, No. 352, § 67. Historical Editor's Note: See also § **1-217**.

²² Historical Editor's Note: See § **1-289**, Mayor as ex officio member of Board of Estimate and Taxation; Board in general.

²³ Historical Editor's Note: For custody of City Seal, see Ch. **Z**, General Provisions, § **7-10**.

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(10) Assignment of City Clerk Duties by Mayor²⁴. In addition to the duties prescribed in the existing provisions of the Charter, the City Clerk shall perform such duties as are assigned to him by the Mayor. In the absence of the Mayor and President of the Council, the City Clerk shall attend all meetings of all Boards and Commissions of which the Mayor is a member or an ex officio member, but at such meetings he shall have no vote.

(11) Appointment of Assistant City Clerk²⁵. The Council may at any time appoint an Assistant Clerk who, having been duly qualified, shall, in the absence or in case of the disability or death of said Clerk, perform all the duties of the Clerk, and all records and acts of said assistant shall have the same validity as the records of said Clerk.

PROVISIONS FOR REPEAL

§5-2. Powers and duties of the Mayor. The Mayor shall :

- Be authorized to exercise within the limits of said city all powers given to Sheriffs by the general statutes for the preservation of the peace, and may at all times demand the aid of any Sheriff, Deputy Sheriff, Constable, watchman, or policeman, with such other aid as may be necessary, and whenever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power when authorized so to do by the Governor, to call out the military force of the state, to enable him to enforce the laws within the limits of said city²⁶
- have the same power to issue warrants for the collection of taxes, special benefits, and all other sums due said city, as is now provided by law for the issuing of tax warrants by Justices of the Peace²⁷.
- serve as (1) ex officio Superintendent of the Police Forces maintained under this charter; (2) conservator of the peace of the city, and shall have authority with force and strong hand when necessary to suppress all tumults, riots, and unlawful assemblages, and to arrest without warrant and order to be held in the city prison for a period not exceeding twenty-four (24) hours, upon information, any person who may be detected in reveling, quarreling, brawling, or otherwise behaving to the disturbance of the public peace of said city²⁸.
- have the power to enter any house, building, place, or enclosure wherein the Mayor may (1) have reasonable cause to suspect dissolute or disorderly persons to be assembled; or, (2) suspect to be occupied by any assemblages for an

²⁴ 2023 Recodification of current Article V, Part 3 – City Clerk §1-235. Derived from Sp. Laws 1947, No. 208, §2.

²⁵ 2023 Recodification of current Article V, Part 3 – City Clerk §1-236. Derived from Sp. Laws 1913, No. 352, §68.

²⁶ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Ninth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

²⁷ 2023 recodification and edit of current Article V, Part 2 – Mayor. 1-226 (Fifth sentences), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

²⁸ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Sixth and seventh sentences), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

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unlawful purpose or occupied or used for the purpose of lewdness, prostitution, or gambling; to command all such persons found therein to disperse immediately and to commit to the city prison any person neglecting or refusing to obey such command²⁹.

²⁹ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Eighth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.