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BRISTOL, CONNECTICUT 06010

TOWN AND CITY BRISTOL, C

DRAFT REPORT 2018 CHARTER REVISION COMMISSION

The Charter Revision Commission (Commission) convened on January 30, 201 members, duly appointed and sworn, are as follows (the duly elected officers are

Calvin Avery Brown, Chair Jon P. FitzGerald, Vice Chair Michele Ann Roalf, Secretary Laurie A. Scotti Harold (Hal) D. Kilby Jonathan C. Mace Craig M. Minor Sandra Joanne Bogdanski John M. Krampitz

The Commission also met on February 21, 2018; March 19, 2018; April 4, 2018; A 2018; May 16, 2018; June 5, 2018; June 14, 2018; and June 19, 2018.

Public hearings, as required by state statute, were held on February 21, 2018 and 19, 2018. The Commission also invited audience participation at its other meeting

Special thanks to Jon FitzGerald for his efforts to assist in drafting this reposchedules attached to this summary are listed in order of the Commission's priori

The Commission thanks the citizens of Bristol and its elected and appointed official took the time to offer their opinions and insights to the Commission.

ACTION TAKEN

Schedule A, section 39, Board of Education; Based on a recommendation from B Education Chairperson Chris Wilson and Board of Education Commission Caggiano, the Commission decided to look into staggering the terms of Board's institution commissioners, so as not to jeopardize losing all of the Board's institution.

knowledge in one single election. After discussing the logistics of how staggering

Schedule B, new section 56, unlawful harassment; The commission felt unanimous something had to be done to hold elected officials accountable to follow the City harassment policies. After much debate and several conversations with Corp Counsel, the Commission decided to recommend schedule B to make explicitly cle elected officials are expected to abide by the City's anti-harassment policies. No me of the public spoke out against this proposal at any meeting.

Schedule C, sections 44 public works, and *new* 48A Water Department, streatment; On recommendation of the Mayor, the Commission looked into a way sewage operation under the purview of the Water Department. The only changes making to section 44 (public works) is to add the word "storm" to modify the word "storm to modify the word "storm to modify the word "storm to modify the word to make the modify the word to make

Schedule D, section 54, personnel committee, 'director of human resources Commission felt strongly that the City's personnel department needed the oversign personnel committee, appointed by the mayor. We also felt that the title "Per Director" should be changed to "Director of Human Resources" to more accurately the duties and responsibilities expected of the position. No members of the public out against this proposal at any meeting at our final public hearing.

Schedule E, section 25, board of finance; the Commission adopted the recommend of the City's bond counsel.

Schedule F, section 4, bond issues; When we started our work, the Commission reseveral recommendations from the City's bond counsel regarding some congrammatical, and mechanical changes to the Charter having to do generally with the City bonds money. The Commission recommends the adoption of several or recommendations.

ACTION <u>NOT</u> TAKEN

The Commission also looked into the following items:

numerous, extensive conversations with Corporation Counsel at several of our meetings, the Commission felt unanimously that we did not have the authorecommend adjusting the term lengths of elected officials.

Abolishing term limits for elected officials; Board of Education Chairperson Chris asked us to consider recommending the abolition of term limits as instituted by the in 2013. The Commission felt strongly that we should not go down that path.

Punishing elected officials who violate the City's anti-harassment policies; After I discussion, the Commission decided not to include in Schedule B specific penal elected officials who violate the City's anti-harassment policies. Several of us Commission felt that clarifying that elected officials *should* abide by the City's harassment policies did not go far enough, and that any elected official judged t violated such policies should be held accountable. However, on advice of Corp Counsel, and after reviewing relevant statutes and case law as a Commission unanimously arrived at the conclusion that there was no legal mechanism or stauthority granted to any municipal body at this time to impose any kind of penalty elected official for such a violation. The City Council may choose to adopt an ord that the City Council shall have the authority to direct the Town Clerk to publish a coff the offending official in the local newspaper.

Respectfully submitted,

The 2018 Charter Revision Commission

By <u>Calvin Avery Brown</u> Calvin Avery Brown, Chair [bold brackets are proposed deletions of existing language]

bold underline are proposed additions of new language

SCHEDULE A

Charter Section 39 – Board of Education

to be held that year.

- (a) Number of commissioners. There shall be a board of education which shall be comprine (9) members who shall be electors of the Town and City of Bristol.
- (b) Powers and duties. The duties conferred by the general statutes upon high school come and board of school visitors shall be performed by the board of education, which shall be power to appoint a superintendent of schools and to fix the compensation of the superintense schools and that of all other employees of said board. The board of education shall have the and duties conferred by law upon town boards of education. All payment for the expense public school shall be made upon orders drawn upon vouchers approved by the board of education.
- (c) Method of election, terms and nominations. The members of the board who hold of the time of the passage of this charter amendment shall continue to hold office for the their election. [At the next municipal election to be held in 2003, and every fou thereafter, there shall be elected nine (9) members of the board of education for a four years. The election to the board of education shall coincide with the municipal election.

No elector shall vote for and no political party shall nominate more than six (6) mem the board of education. The nine (9) candidates receiving the highest number of vot be declared elected to the board of education.]

At the municipal election to be held in 2019 and every four years thereafter, there selected five (5) members of the board of education for a term of four years. No elected vote for and no political party shall nominate more than three (3) members of the beducation. The five (5) candidates receiving the highest number of votes shall be delected to the board of education.

At the municipal election to be held in 2019, there shall be elected four (4) members board of education for a term of two years. At the municipal election to be held in 20 every four years thereafter, there shall be four (4) members elected for a term of four No elector shall vote for and no political party shall nominate more than three (3) members of the board of education. The four (4) candidates receiving the highest number of vote be declared elected to the board of education.

The election to the board of education shall coincide with the municipal election to that year.

In accordance with the minority representation requirement of Section 9-167a of the Confidence Statutes, no more than six (6) members elected to said board shall be of the same party.

(d) Vacancies. Notwithstanding any other charter provisions, vacancies to the board of edshall be filled as provided in this section; however, the provisions of Section 13 of the City shall apply in the event of a recall.

Within thirty-five (35) days of said vacancy arising for any reason other than in the evereall, the mayor by nomination, and the city council, by appointment, shall fill any vacan vacancy shall be filled by the appointment of a member of the same political party as the vacating member. Said appointment shall continue until the next municipal election.

At said next regular municipal election, said vacancy shall be filled in accordance with the representation requirements of Section 9-167a of the Connecticut General Statutes.

[Brackets] represent proposed deletions <u>Underlines</u> represent proposed additions

SCHEDULE B

Sec. 56. Unlawful Harassment in the Workplace

- a. Elected and appointed officials and employees of the City of Bristol are prohibited from engaging in unlawful workplace harassment against any other elected or appointed offic employees of the City of Bristol.
- b. The City Council is authorized to establish by ordinance procedures for the investigation enforcement of the provisions of this section, and for the investigation and enforcement Special Acts and General Statutes of the State of Connecticut that protect against unlawf harassment in the workplace, as the same may be created or amended from time to time General Assembly of the State of Connecticut.
- <u>c.</u> To the extent permitted by law, the City Council is authorized to adopt ordinances that s provide penalties for elected or appointed officials, and for employees of the City of Bris after due process, are found to have engaged in unlawful harassment in the workplace.

[bracket] represent proposed deletions

<u>Underline</u> represents proposed additions

Schedule C

Sec. 44. - Public works.

- Board of public works. The board of public works shall be composed of (a) council members and three resident electors of the City of Bristol nominated mayor and appointed by the city council. The mayor shall be a full member of board, ex officio, and shall be the chairperson. No member of such board than the mayor or council members, shall hold any other office in the City of The terms of the three resident electors on the board shall be for three-year except that any vacancy shall be filled for the unexpired term, and provided that the mayor and council members shall serve on the board only during the of office. All appointments shall be made in the month of February and terminate on the last day of February in the year in which such term expires, that the term of the mayor and council members shall start at the first meeting after their election. The board shall direct the operations of the department of the departmen of public works through the director of public works. The board shall prepa recommend an annual budget, oversee the expenditure of monies, make lor planning of the city's public works needs, and hear appeals from the actions director of public works. The board shall keep a public record of activities ar make a report of its actions to the city council at intervals as it shall deem ned or upon request of the city council. At least one council member shall be a m of any committee of such board.
- (b) Director of public works. The director of public works shall be nominated mayor and appointed by the city council for a term of four years. The mayor notify such director of public works at least one month prior to the expiration term in writing that such person will or will not be renominated. The director of works shall hold a degree in engineering, business or public administration related field and shall have had at least five years' experience in a man capacity. Notwithstanding the provisions of this section, the director in office effective date of this section shall continue in office until the expiration of the The director of public works shall be responsible for the efficiency, discipling good conduct of the department of public works, and as provided in this shall appoint and may remove such deputies, assistants and employees director of public works may deem necessary subject to the approval of the section of the department of public works assistants.

council and shall direct the activities of the city engineer. The director of works shall exercise the powers and discharge the duties of the office under the council and shall exercise the powers and discharge the duties of the office under the council and shall exercise the powers and discharge the duties of the office under the council and shall direct the activities of the city engineer.

The director of public works shall have supervision and control of the mainted of all city owned structures, except such structures as are under the control board of education, park department and water department, and of the plant of the p surveying, constructing and reconstructing, altering, paving, repairing, main cleaning, lighting and inspection of highways, sidewalks and curbs, storm s [sewage disposal,] public and private drains, and other public improve city buildings, and the preservation, care and removal of trees within highwa public places, all engineering work of the city and the collection of and disp garbage, rubbish and refuse. The director of public works shall have sucl powers and duties as the board of public works may prescribe. Any provision section to the contrary notwithstanding, the department of public works (or a department) may maintain and care for school buildings and grounds, but and to the extent and for the period requested by the board of education approved by the council, provided the costs are charged against the bo education's appropriations. The director of public works may close or restric over any section of any street, highway or bridge within the City of Bristol and its control for the purposes of construction, reconstruction or repair by notices at each end of such highway or bridge, and any person using such h or bridge when such notice is posted shall do so at such person's own risk. It in this section shall be construed to authorize a violation of any term agreement with a duly approved collective bargaining agreement.

In all other sections of this charter the superintendent of public works shall director of public works.

(c) City engineer. The city engineer shall be nominated by the mayor and apply by the city council for a term of four years. The mayor shall notify such engineers one month prior to the expiration of the term in writing that such person will not be renominated. Notwithstanding the provision of this section, the forcity engineer in office on the effective date of this section shall continue in until the expiration of the term. The city engineer shall be a graduate profectivil engineer registered with the State of Connecticut or certifiable with the State of Connecticut within one year. The city engineer shall perform all engineerin approved by the board of public works and shall work under the direction director of public works. The city engineer or the city engineer's representative have the right to enter upon any land in the City of Bristol at any reasonable to the purpose of engineering or surveying.

- appliances in any highway or highways and upon public and private place grounds that may be incident to the treatment and disposal of sewage water superintendent shall administer the operation, management maintenance of the system for the treatment and disposal of sewage.
- (b) The water department shall bill and collect the assessment and sewer usa fees in accordance with the City Code of Ordinances.
- (c) All funds collected by the water department for sewage treatment or result from the sale of sewage waste product, property or equipment generated by used in the treatment of sewage and of any interest thereon shall be reservated use of the water department in its normal operations in the treatment of sewage and shall not become a part of the general fund of the City of Brist

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SCHEDULE D

- Sec. 54. Personnel Committee, Director of [personnel] human resources.
 - (a) The city council may establish by ordinance a personnel committee that shall be comprise members of the city council appointed by the mayor. The mayor may also appoint up to electors of the city who shall be of different party affiliations. The city council members electors shall serve at the pleasure of the mayor. The aforesaid elector(s) shall advise the personnel committee without vote, and may not be employed by the city, the board of education, or the Bristol-Burlington Health District. The city council may refer general permatters to the personnel committee, including but not limited to the consideration of sa benefits, and grievances, the addition or elimination of employee positions, the restructure current positions, the creation, modification, and review of job descriptions, personnel pand procedures, the review of surveys dealing with salaries and benefits, the review and evaluation of employment training, including training provided to employees and elected officials on anti-harassment policies, and the evaluation and review of preventative measurement data and the corrective actions taken with respect to workplace harassment. The personnel committee may also serve as a nonbinding advisory review panel when there are personnel matters involving the mayor, a city councilor, or the director of human resources.
 - (b) The director of [personnel] <u>human resources</u> shall be nominated by the mayor and appoint the city council for a term of four years. The mayor shall notify such director of [personned human resources] at least one month prior to the expiration of the term in writing that supperson will or will not be renominated. Notwithstanding the provisions of this section, the time director of [personnel] <u>human resources</u> in office on the effective date of this section continue in office until the expiration of <u>that individual's</u> [the] term <u>of office</u>. The <u>qualifical of the director of human resources shall be established by ordinance</u>. [The director of personnel administration and have two years' experience in personnel administration or shall have had six years' experience as a personnel administrator. The director of persons shall: (1) formulate and recommend to the city council policies relating to the selection, the city council policies relating to the selection.

promotion, welfare, compensation, hiring and discharge of all city employees, except as

increases to the salary committee of the city council and shall counsel and assist applicant employment with the city and hire such employees of the city whose hiring is not otherwise specified in this charter; (4) be the city's representative in union matters and shall hear a process grievances of city employees except as other provisions are contained in contract negotiated between the city and any union representing city employees; and (5) advise the board of education on personnel matters upon request.]

[brackets] represent proposed deletions

Underlines represent proposed additions

SCHEDULE E

Sec. 25. - Board of finance.

- (a) The board of finance of the city and town of Bristol shall consist of nine members, of we mayor shall be one member, ex officio. Upon the expiration of the term of any member in 3 mayor shall nominate, and the city council shall, within sixty days after such nomination, of successor, who shall serve for a period of four years or until their respective successors appointed, subject to the provisions hereinafter set forth.
- (b) All appointments, except vacancy appointments, shall begin to run from the date of expiration term of office succeeded to or from the date of the appointment, if made subsequent thereto term of four years, shall begin at the expiration date of the office succeeded to. The momination, and the city council, by appointment, shall fill any vacancy for the unexpired paths term.
- (c) No person shall be eligible for membership to said board who is not an elector and taxpaye city, and no member except the mayor, shall hold an office in said city or town of Bristol fro such person receives compensation from the city or town.
- (d) All members shall serve without compensation. On all matters voted upon by the independently and not in conjunction with the city council, a majority vote of the members board, present and absent, shall prevail. At all meetings a quorum shall consist of five members city council, at the direction of said board, shall, from time to time, provide suitable office equipment as said board shall deem necessary and advisable for the conduct of its work.
- (e) The mayor shall be the chairperson of the joint [board] meeting which shall be defined as a of the board of finance and city council. The mayor may call a [meeting of the] joint meeting city council and board of finance [board] at any time and shall call such a meeting upon rewriting from the chairperson of the board.
- (f) [Said] <u>The</u> board <u>of finance</u> shall annually elect a chairperson and vice chairperson and exercises of procedure and fix the dates for and the time of meetings and for the notices to members, if any. It shall designate such public meetings or hearings as it shall deem necess proper.
- (g) The following words, when used in this charter with reference to the powers, rights and dutic board of finance shall be interpreted, respectively, as follows: The word "board" shall be into mean the "board of finance"; the word "department", shall be interpreted to mean any authorized to perform any governmental function within the limits of the city or town of Bristo by authority of the charter or by authority of the ordinances authorized under it, whether admit by an appointive or elective board, commission, official or committee; the word "district" interpreted to mean any portion of the city or town of Bristol which is set off or defined or whose created, either by authority of the charter of said city, by its ordinances, by statute or by act of the legislature, and authorized to carry out any governmental or educational function, local, regardless of the agency that may be authorized to administer such district; the word

shall be interpreted to mean any official, whether appointed or elected, for the pur

- (h) The board shall determine the system of records to be kept by all city departments, suband districts. It shall provide methods of bookkeeping, accounting and auditing and shall accounts against the city.
- (i) The board through the purchasing agent may procure for the several departments of the c insurance, materials or supplies as may be necessary in its opinion, subject to provisions he set forth.
- (j) It shall be a board of estimate and apportionment of expenditures of said city and of any subthereof. At the first meeting in the month of March, and annually, or as soon as practical there shall make an estimate of the expenditures for each department in as minute detail as is prafor the next ensuing fiscal year beginning July first.
- (k) Upon the completion of the grand list of all property in the city of Bristol liable to taxation prepare and publish, in one or more newspapers having a circulation in said city, a bud estimate of expenditures of said city for the next ensuing fiscal year. Such budget shall appropriations for each class of expenditures and shall give the amounts in as minute of practicable and shall include therein requirements of all debts. It shall also state the amount is estimated will be received from all sources of revenue of said city, except general taxation amount required to be raised by general taxation. Such budget shall be submitted to the city for its study at least fifteen days before the joint meeting of the city council and the board of hereinafter provided for. The newspaper publication provided herein shall take place at least before said joint board meeting.
- (I) Upon the completion of such budget, annually, the mayor shall call a joint meeting of the city and the board of finance, which shall be held at a date set by ordinance for the pur discussing such budget. No changes shall be made therein except that, by a majority vote of membership of both the city council and the board, present and absent, at such meeting budget may be increased or decreased but unless so increased or decreased at such meeting budget shall constitute the budget for the fiscal year beginning July first next ensuing. The shall declare the budget so adopted. All voting at joint meetings of the city council and finance shall be in person.
- (m) Upon the completion of the budget as provided herein, the board of finance and the city conjoint meeting, shall forthwith lay the tax or taxes for the next ensuing fiscal year for the city accuse to be prepared and signed, a rate bill therefor, and determine the dates on which tax be payable.
- (n) The board of finance shall, annually, determine the amount to be expended for the public so the preparation of its budget and the expenditure of such sum annually shall be in the disc the board of education.
- (o) The board shall annually make appropriations to include expenses necessary to requirements and for compensation for necessary assistance for the year next ensuing, a appropriation shall be included in the budget annually.
- (p) In cases where less than five thousand dollars is involved, the board during any fiscal yet transfer the full or any part of any appropriation, of any budgetary account when it is the opin transfer may be advisable. In matters where more than five thousand dollars is involved, the [may], subject to the approval of both the city council and the board at a joint meeting, by a vote of the total membership of the city council and the board, present and absent at such may transfer during any fiscal year, the whole or any part of the balance of any appropriation budgetary account.
- (q) A monthly report shall be filed with the mayor and city council showing all transfers of balance from said reserve fund.

<u>vote of the total membership of both</u> the city council and the board of finance, [by a majority all members] present and absent, at such meeting.

- (s) Should it appear to the board that any department supported by the city is expensively appropriation, or any part thereof, for a purpose not intended or authorized, or has entered plan of operation which is calculated to involve an expenditure in excess of the amount appropriation, or is extravagant in handling its funds, or is so managing its affairs as not to for the city the best results obtainable for the purpose for which such appropriation was grar board shall conduct an investigation into the conduct of such department and, after a hear held, due notice of which shall have been given to officers and heads of the department in a make such finding, together with recommendations as shall, in the judgment of the board says to insure the proper expenditure of the appropriations made for such department the continuance of such investigation, and until the recommendations made by the board says been carried out by the management of the department, the appropriations allotted department may be administered by the comptroller.
- (t) The comptroller, assistant comptroller and purchasing agent in office on the effective date enactment of this charter shall continue to hold office and may be removed only for cause. The be bonded in an amount to be determined by the board of finance. As hereinafter provi comptroller, assistant comptroller and purchasing agent shall be nominated by the ma appointed by the city council for terms of four years each. The mayor shall notify such con assistant comptroller, or purchasing agent, as the case may be, at least one month price expiration of such person's term in writing that such person will or will not be renominated. vacancy exists, the assistant comptroller shall function until such time as a comptroller is an In the absence of the comptroller and assistant comptroller from the city or their inability to the duties of the office for whatever reason, the mayor shall name an acting comptroller of the Bristol, and said acting comptroller shall have the powers and discharge the duties of the co while so acting. The comptroller shall act as clerk of the board of finance. Such clerk shall act record the doings of the board and shall be the custodian of all its books, papers and data re the conduct of its business. The comptroller shall perform for the city the usual duties of su or such additional duties for the city and its districts as the board shall designate. The con shall examine all bills ordered paid by the city council or the board, or of any department, e herein otherwise provided, and, on the approval of any bills by the city council or the board department, shall draw an order on the city treasurer for the payment of the same. All order city treasurer shall be signed by the comptroller. Upon a written order of the mayor, the con shall withhold payment of any bills in controversy. The comptroller shall keep all the account city in such manner as may be provided for by the board. The comptroller shall, at any tin directed by the mayor or city council, examine the accounts, books, bills, and the me conducting business of any department of the city government, and of any officer of the shall report thereon to the mayor and city council. All the books, accounts, vouchers and mer in the office of the comptroller shall, at all times during usual business hours when not rec actual use, be open to the inspection of the public. The minute book shall be open to the in of the public.
- (u) When it may be advantageous to the city by reason of cash discounts or otherwise, bills or a legally contracted by any board or commission and approved by it, may be ordered paid comptroller in such cases and subject to such limitations as may be provided by the board.
- (v) All contracts for the borrowing of money, including bonds, [and] notes and other obligation city or town, or any subdivision thereof or district therein shall be countersigned by a designated by the board. No contract, except contracts of employment, involving the expendance, shall bind the city unless countersigned by an agent of the board. No contract of employment of any part of any ensuing fiscal year shall bind the city until the budget of the city

- of notes and determine the amount to be issued and shall apportion such moneys as determine necessary for the benefit of the city and tax districts existing or which may be crea
- (w) The board shall have sole power to determine the necessity for[, and manner of,] issuing to the city and town of Bristol, or any subdivision thereof or district therein. The members of the of finance shall constitute a board of sinking fund commissioners for the city. The board of fund commissioners, as a whole or acting through a sub-committee, shall have the commanagement of any sinking fund already established or that may be established, to provide payment of the principal and interest of the bonds issued by the city. The board shall act agents for all other funds which are the property of the city of Bristol except as otherwise provided.
- (x) The board of finance, as fiscal agent for city funds, may deposit, invest and reinvest the sallowed for a municipality by and in accordance with the statutes of the State of Connecticus same may be amended from time to time. The board may authorize the city treasurer to invest, or reinvest city funds pursuant to this section. Neither said sinking fund nor any par shall ever be used by the city in any other way than for the redemption and payment of such Any sinking funds of the city, established by law, shall be continued for the purposes for whe funds were created.
- (y) Any agency or district, whether authorized to carry out state or to carry out local fund government, which is required by statute to render or cause to be rendered any public requiring an expenditure of the city's money from the treasury of said city, or any contract i borrowing of money for the city or any subdivision thereof, shall first submit an estimat proposed expenditure or borrowing, with the statement of the necessity therefor, to the board shall determine whether any such proposed expenditure or borrowing is necessary necessary, the amount thereof. It may, at any time, summon before it any officer of said information, consultation and advice upon the affairs of the city.
- (z) The board of finance annually shall make appropriation for the expenses and maintenance city and including the debt of the former first taxing district. Upon completion of the grand list council and the board of finance shall meet in joint meeting for the purpose of laying a persons and property in the city, and a proper rate bill therefor shall be prepared and signe tax laid and collected in the same manner as is provided for herein for the rate bill.

(Amend., eff. 11-9-83; Amend., eff. 11-4-92; Amend., eff. 12-4-97; Amend., eff. 12-5-02 Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Legislative history— Sp. No. 352, §§ 20—22, 1911; Sp. No. 434, §§ 38—41; Sp. No. 11 1933; Sp. No. 489, § 26, 1939; Sp. No. 588, 1939; Sp. No. 151, § 2, 1943; Sp. No. 144, §§ 1945; Sp. No. 125, 1951; Sp. No. 576, 1953; Sp. No. 162, 1955; Sp. No. 368, 1965.

[brackets] represent proposed deletions

<u>Underlines</u> represent proposed additions

SCHEDULE F

Sec. 4. - Bond issues.

The City of Bristol is authorized to issue [serial] bonds, notes and obligations subject to the limitations which are or may be established by law as time of maturity, certification and amount of municipal indebtedness. The bost finance of such city shall have the sole power to determine the necessity [manner] of issuing bonds by the City of Bristol, the town of Bristol or any substance of district therein[,]. [and it shall determine and specify the aggramount of bonds to be issued, the time or times of payment, the denominations thereof, the rate of interest which they shall bear, the places or payment thereof, the officers of the city by whom they shall be sand the manner of disposing of such bonds.]