

CITY OF GROTON CHARTER  
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## **ARTICLE I (INCORPORATION)**

### **Section 1 - (Corporate Limits)**

The territorial limits and boundaries of the corporation of the "CITY OF GROTON" shall be as follows: Beginning at the point on the bank of the Thames River due west from a monument located at the junction of the north line of Grove Avenue with the east line of Fairview Avenue; thence running due east to said monument; thence easterly along the north line of Grove Avenue twelve hundred feet to a drill mark on a large boulder; thence running south 32°07' east crossing Grove Avenue and the New London and Providence Turnpike one hundred and seventy-two rods, more or less, to a drill mark on a large boulder standing about forty feet northeasterly of the corner of a barn near the house formerly the residence of P. L. Shellens; thence in a course about south 9°25' west crossing the Old Post Road and the New York, New Haven and Hartford railroad about forty rods to a monument at the southwesterly line of said railroad right of way; thence southeasterly following the southerly line of said railroad right of way, one hundred and ninety-five rods, more or less, to a point in said railroad right of way line marked by a monument; thence in a due south course one hundred and ninety-four rods, more or less, to a monument on the south line of the Lower or Old Poquonnock Road one hundred and eighty feet west from the range of the west face of the main building of the "Max Pollack Company Thread Mill"; thence easterly with the south line of said Old Poquonnock Road, five hundred and sixty feet to a monument set at the point where the stream leading into Baker's Cove, sometimes known as Birch Plain Creek, comes up to the road line; thence southerly with the midline of said stream and of Baker's Cove to a point due north of a monument on the eastern extremity of Pine Island; thence due south through said monument on Pine Island to the south boundary line of the town of Groton; thence west by said south boundary line to the division line between the City of New London and Groton; thence north by said division line to a point due west from the point of beginning first above mentioned; thence due east to sand point of beginning.

### **Section 2 - (General Grant of Powers)**

All citizens of this state dwelling within the territorial limits described in Article I, Section 1 shall be a body politic and corporate by the name of the City of Groton; and by such name they and their successors shall have perpetual succession and be capable in law of suing and being sued, of pleading and being impleaded in all suits of any nature, and of purchasing, holding and conveying any estate, real or personal, and may have a common seal and alter or change the same at pleasure, and shall be and remain absolutely vested with the title to and improvements of all the lands, tenements, hereditaments, rights and estates which, since the original incorporation of said City, have to become vested in said City, and of which said City has never been lawfully divested hitherto, and shall have all the inherent powers generally conferred upon a City by the statutes of this State.

**Section 3 - (Dual Citizenship)**

The inhabitants of the Town of Groton domiciled within the limits designated in Section 1 above shall be titled to all the privileges and subject to all the burdens of said Town in the same manner and to the same extent as though this act were not in effect.

**ARTICLE II (ELECTIONS)**

**Section 1 - (Qualifications of Electors)**

Every elector of the Town of Groton, domiciled in the City, shall be an elector of the City and shall have the right to vote at City elections and meetings.

(a) Unless otherwise specified in this charter, qualifications for nominations, election of municipal officers and appointments to boards and commissions shall be governed by Connecticut General Statutes (C.G.S.)

(b) Persons qualified to vote in the City for municipal offices shall be governed by C.G.S. and the Constitutions of the State of Connecticut and the United States of America.

**Section 2 - (Election of Municipal Officers)**

(a) Prior to the first Monday of May, in election years, the Registrars of Voters will prepare lists of electors qualified to vote in the voting districts within the City.

(b) The election of Municipal Officers in the City shall, as determined by this Charter, be held on the first Monday of May in odd-numbered years. At such election there shall be elected a Mayor, six (6) members of the City Council, hereinafter referred to as the "Council", all for terms of two (2) years.

(c) Every four (4) years during an election of Municipal Officers in the City, a City Clerk shall be elected to a four (4) year term.

(d) Any elector of the Town of Groton, who has been domiciled in the City for one year preceding the date of election, shall be eligible for any elective office.

(e) The terms of all Municipal Officers shall commence at seven-thirty p.m. on the second Monday of May in an election year and officers shall hold office until their successors have been chosen and qualified or until they have resigned or been removed. Except as otherwise provided in this Charter, all elective City Officers, Boards and Commissions shall have the powers and duties prescribed by law.

(f) A plurality of votes shall determine the offices of Mayor and City Clerk. The position of Councilor shall be determined by the six candidates who receive the highest number of votes. In

the event of a tie between two or more candidates for the last position(s) on the Council, an adjourned election shall be held to determine which of the tied candidates shall be elected.

**Section 3 - (Removal of Municipal Officers)**

(a) The Mayor, City Clerk or any Councilor shall immediately cease to hold office once they are no longer domiciled in the City.

(b) Any elected officer convicted of a felony shall immediately cease to hold office.

(c) All elected and appointed officials shall be liable to removal from office for just cause, including but not limited to, conviction of a crime involving fraudulent or dishonest conduct, neglect of official duty, violation of the Municipal Code of Ethics of the City, or a decision of violation by the Board of Ethics of the City. Proceedings for removal shall be initiated by the Mayor or a Councilor. The power to remove shall reside with the Council and the removal shall be by a vote of five (5) affirmative, with the Mayor having a vote. Proceedings for removal shall require notice of cause and a hearing thereon, which notice shall be written and mailed to, or served on, the official by the authority having the power to remove at least fifteen (15) days prior to the hearing. Any official so charged shall have the right to be represented by counsel, to choose between a public or private hearing, to examine and cross-examine witnesses and to present evidence on his or her behalf.

**ARTICLE III (MEETINGS OF MAYOR AND COUNCIL)**

**Section 1 - (First Meeting)**

At eight (8) p.m. on the Monday following the election of Municipal Officers of the City, the Mayor and Council shall meet at the usual place for holding such meetings, and the newly elected Officers shall be sworn to faithfully perform their official duties. At such a meeting, the Council shall choose, by majority vote, a Deputy Mayor from among their number to serve as such for the term of this Council.

**Section 2 - (Regular Meeting)**

Subsequent regular meetings of the Mayor and Council shall be held on the first and third Monday of each month, at 7:30 p.m. and such meetings may be adjourned from time to time.

**Section 3 - (Special Meeting)**

A special meeting of the Mayor and Council shall be called at the direction of the Mayor or three Councilors by delivery of a notice thereof to each member at least three (3) days, Sundays, State and Federal holidays excepted, before the time set therefore.

**Section 4 - (Emergency Meeting)**

In the case of an emergency, as defined or amended in CGS Section 1-21, an emergency meeting may be held without prior public notice, provided the nature of the emergency is described in the minutes of said meeting.

**Section 5 - (Quorum)**

At any meeting of the Mayor and Council, a total of five (5) shall constitute a quorum for transaction of business one of whom shall be the Mayor or, in his or her absence, the Deputy Mayor in accordance with Article VII, Section 5. No-action may be taken by less than four (4) affirmative votes.

To further define a quorum, the meeting shall include the Mayor (or in the absence of the Mayor, the Deputy Mayor, or in the absence of both a Councilor designated by the Councilors present as defined in Article IV, Section 1) as one (1) person and no less than four (4) additional Councilors, for the total number of persons present at the meeting being five (5).

**Section 6 - (Vote by Mayor)**

At any meeting of the Mayor and Council wherein a vote results in a tie, the Mayor shall vote to dissolve such tie, but shall not vote otherwise.

**Section 7 - (Vote by Deputy Mayor)**

At any meeting of the Mayor and Council, the Deputy Mayor, or Councilor while acting as Mayor, shall vote as the Mayor only.

**ARTICLE IV (CITY MEETINGS)**

**Section 1 - (General Provisions)**

City meetings shall be called according to the provisions of CGS, Section 7-3. At all City meetings, the Mayor shall preside. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of the Mayor and Deputy Mayor, a Councilor designated by those Councilors present shall preside. Only electors of the City and qualified citizens, as defined in CGS, Section 7-6 or as may be amended in same, shall be entitled to participate and vote.

**Section 2 - (Special City Meetings)**

(a) The annual City budget meeting shall, in accordance with Article VI, Section 3, be held on the first Monday in June of each year.

(b) At such meetings, only electors of the City and qualified citizens as defined in CGS, Section 7-6, or as may be amended, shall be entitled to participate and vote.

(c) A special City meeting shall be convened when the Mayor or Council deem it necessary or within fifteen (15) days after receiving a petition signed by fifty (50) qualified electors.

## **ARTICLE V - (MAYOR AND COUNCIL)**

### **Section 1 - (General Powers)**

The Mayor and Council shall have power to exercise the powers hereinafter specified and those conferred by CGS.

### **Section 2 - (General Duties)**

(a) The Mayor and Council shall manage, regulate and control the finances and the real and personal property of the City, and shall provide the mode of keeping the accounts and the method of adjusting and paying claims. All interdepartmental services shall be by written order and shall be properly represented in the accounting.

(b) The Mayor and Council shall determine the rules for their proceedings.

### **Section 3 – (Transfer of Funds)**

The Mayor and Council shall have authority to transfer funds from one account to another as long as the expenditures do not exceed the total of the approved budget.

### **Section 4 – (Vacancies in Elective Office)**

Should a vacancy occur in the office of Deputy Mayor, the Council shall choose one of their numbers to complete the unexpired portion of such term. If, for any reason, the office of Mayor shall be vacated, the Deputy Mayor shall serve as Mayor until the next regular election. An elector of the City shall be chosen, by a majority vote of the remaining Councilors, to serve as Councilor until such regular election. Should a vacancy occur in the office of Councilor or City Clerk, an elector of the City shall be chosen by a majority vote of the Council to serve in such office until the next regular election.

### **Section 5 – (Establishment of Committees)**

The Mayor with the approval of the Council may establish such committees as may be deemed necessary and refer appropriate business to such committees.

### **Section 6 - (Vacancies of Committees, Commissions and Boards)**

(a) For all appointments to be made by the Mayor and Council, such appointments shall be made within sixty (60) days of the date of any vacancy, whether such vacancy was caused by resignation, death, removal, term expiration or appointment to a newly established committee.



The Mayor or any Councilor shall submit the name of any proposed appointee to the Council. If the Mayor and Council do not fill any vacancy after the expiration of the sixty (60) day period, the Mayor, or any member of the Council, may submit the name of a new appointee.

(b) For all appointments to be made by the Mayor, with approval of the Council, such appointments shall be made within sixty (60) days of the date of any vacancy, whether such vacancy was caused by resignation, death, removal, term expiration or appointment to a newly established committee, commission or board as follows: The Mayor shall submit the name of any proposed appointee to the Council. If such appointment is not approved by the Council, the Mayor shall submit the name of a new appointee to the Council every fourteen (14) days thereafter until the Council approves such appointment. The name of a new appointee shall not be the name of a previously rejected appointee for such appointment unless the Council, by four (4) affirmative votes, decides to reconsider any previously rejected appointee.

**Section 7 - (Appointment of Employees)**

For all appointments of employees in the classified service and the Director of Finance, Director of Public Works, Director of Parks and Recreation, Chief of Police and Deputy Chief of Police, Fire Chief and Deputy Fire Chief, Director of Utilities, City Planner , Building and Zoning Official and Director of Human Resources to be made by the Mayor, with the approval of the Council, such appointment shall be made within ninety (90) days of the date of any vacancy, whether such vacancy was caused by resignation, death, removal, term expiration or appointment to a newly established position as follows: The Mayor shall submit the name of any proposed appointee to the Council. The Council shall thereafter vote on the appointment and four (4) affirmative votes shall be required to approve the appointment. If any appointment is not approved by the Council, the Mayor shall submit the name of a new appointee to the Council within sixty (60) days thereafter until the Council approves such appointment. The name of a new appointee shall not be the name of a previously rejected appointee for such appointment unless the Council, by four (4) affirmative votes, decides to reconsider any previously rejected appointee. The Council, upon four (4) affirmative votes, may waive the requirement to fill a vacancy under this paragraph for a period not to exceed one (1) year from the date of the vote of the Council to waive the filling of the vacancy.

**Section 8 – (Appraisals and Assessments)**

(a) The Mayor and Council shall have the power to appraise, or cause to be appraised, the benefits or damages accruing to any property resulting from any public work or improvement, and they shall also have power to assess, or cause to be assessed, any such benefits. They shall give reasonable notice to the owners of such property of the time and place for a hearing. Such

notice shall be deemed reasonable if sent by registered mail at least ten days prior to the date set for such hearing.

(b) When the Mayor and Council shall have completed such assessment of benefits or appraisal of damages, they shall give notice by registered mail to any person upon whom or for whose benefits such assessment or appraisal, as the case may be, shall have been made. In case of assessment of benefits, they shall establish a payment date and order the same paid; in case of appraisal, they shall order the damage to be paid to the party entitled thereto.

(c) If any person shall be aggrieved either by the assessment of benefits or the appraisal of damages so made, such person may, after notice received as aforesaid apply in writing to the Superior Court for the State of Connecticut for a reassessment or reappraisal in the manner provided by law.

(d) Nothing contained herein shall prevent the Mayor and Council from proceeding to assess benefits, appraise damages, or exercise rights of eminent domain in accordance with pertinent provisions of the CGS relative to such assessment, appraisal, or exercise of rights of eminent domain by municipalities.

(e) Each assessment of benefits, water rate, electric rate, service charge and other charge and installment thereof, if any, levied by the City, shall be due and payable at such time as may be fixed by the Mayor and Council of said City. If any assessment, rate, charge, or any installment or portion thereof, shall not be paid on or before the same date of the next succeeding month corresponding to that of the month on which it shall become due, such unpaid assessment, rate, charge, installment or portion thereof shall thereupon be delinquent and shall be subject to interest at the rate and in the manner provided by the CGS for delinquent property taxes from the time that such assessment, rate, or charge shall become due and payable to the date of payment. Each addition of interest shall become, and shall be collectible as, a part of such assessment, rate, or charge. Each assessment, rate, and charge of the City shall constitute a lien upon the real estate benefited or served thereby from the date of levy of such assessment, rate, or charge. Each lien may be continued by certificate by the Mayor of the City, shall be recorded in the land records of the Town of Groton and released in the same manner, mutatis mutandis, as tax liens are continued, recorded and released under the provisions of the CGS. The same lien fees shall be charged as are charged in the case of tax liens, and shall become, and shall be collectible as, a part of the assessment, rate, or charge. Each such lien shall take precedence over all other liens and encumbrances, except taxes, and may be foreclosed in the same manner as a tax lien. The person authorized to collect any such assessment, rate, or charge for the City shall have powers as soon as any such assessment, rate, or charge have become due and payable, to collect it at any time by authority of any mandatory provision for the collection of taxes in the CGS or in a public or special act.

**Section 9 – (Gifts, Donations and Bequests)**

The Mayor and Council shall have authority to receive gifts, donations and bequests for public purposes and public trusts, and to agree to and prescribe conditions and terms regarding the same.

**Section 10 – (Water Acquisition and Distribution)**

The Mayor and Council, on behalf of the City, are authorized to purchase, acquire and convey from any source of supply, and take and use the water of any stream, lake or pond, in whole or in part, within the limits of the towns of Groton and Ledyard, except the waters of Lantern Hill brook and Lantern Hill pond; to hold, convey and distribute such water into and through the second voting district and such portion of the third district of the Town of Groton as lies west of the main brook emptying into the head of Palmer’s Cove, west of the village of Noank, and any other service areas which may be granted by the State of Connecticut, by means of reservoirs, pipes, aqueducts, pumps and other suitable works, in such quantities as the necessities and conveniences of said voting districts and the inhabitants thereof may require.

**Section 11 - (Generation, Purchase and Sale of Power and Gas)**

The Mayor and Council on behalf of the City, are empowered to produce, purchase, generate and manufacture gas and electricity and to sell and use the same for the purpose of furnishing light, heat and power to any persons who may desire the same and, for that purpose, shall have the right to build, maintain and operate wires or other electrical conductors and gas pipes necessary for said business over, through or under any or all of the streets, avenues, lanes, and highways in the territory as described in Section 10 and to take and hold any lands, property, or privileges, and to exercise any powers that may be necessary or convenient for carrying into effect any purpose of this act.

**Section 12 - (Control and Supervision of Department of Utilities)**

(a) The Mayor and Council shall have control and supervision of the Department of Utilities which shall be administered by a Board of Five (5) Commissioners, including the Mayor, designated as the City of Groton Utilities Commission, herein after Utilities Commission.

(b) The Mayor with the approval of the Council shall at their first meeting each year, appoint by majority vote one elector of the City to serve as Utility Commissioner for a term of four years beginning the first day of June succeeding such appointment. Each Commissioner shall be sworn to the faithful performance of his/her duties.

(c) Should a vacancy occur in the office of Utility Commissioner, an elector of the City shall be appointed by the Mayor with the approval of the Council to serve for the unexpired portion of the term, in accordance with Article 5, Section 12 (b).

**Section 13 – (Committee to Confer with Town Council on Highway Funds)**

A committee of three (3) City Councilors shall be appointed annually to confer with the Town of Groton Council to determine the amount of money which shall be necessary and proper for the making or repairing of the streets and highways of said Town within the limits of the City during the current fiscal year of the City (being the fiscal year for which the highway budget is being determined). The amount of money which shall be necessary and proper for the making and repairing of streets and highways of said town within the limits of the City shall include the amount being set aside for any necessary and proper capital improvements for such purposes.

In the event of disagreement, the amount shall be determined by a committee of three (3) composed as follows: one (1) appointed by the Commissioner of the Connecticut Department of Transportation or deputy, one (1) appointed by the Groton Town Council, and one (1) appointed by the Mayor with the approval of the Council of the City of Groton. The sum determined shall be paid by the Town into the treasury of the City, and the Town shall not be liable to make or repair any street or highway within the limits of the City.

**Section 14 – (Authority over Public Works)**

(a) The Mayor and Council shall have, within the limits of the City exclusive authority and control over all streets and highways, sidewalks, City beaches, parks and grounds, collection and disposal of refuse. The Mayor and Council shall have the authority to lay out necessary streets or highways in accordance with CGS, Section 13a-71, or as amended. The procedure for accepting streets and the naming and renaming thereof shall be the same as that provided in Article V, Section 15, for the adoption of Ordinances. They shall regulate the numbering of houses, buildings, and lots.

(b) Benefits or damages accruing to any property as the result of the layout, grading or alteration of any street or highway shall be subjected to the procedure specified in Section 8 (a), (b), (c) (d) and (e) of this Article.

(c) The Mayor and Council shall regulate or prohibit the excavation or opening of City streets, highways, and public grounds for public or private purposes, and the location of any work or thing therein, whether temporary or permanent, upon, over or under the surface thereof; provide for lighting the streets, highways and other public places; regulate the planting, protection and removal of trees, plants and shrubs in public places; and provide for the fencing of any lands fronting on a public street or highway, wherever and whenever the Mayor and Council deem it necessary.

(d) The Mayor and Council shall have control of all sidewalks and crosswalks. They shall cause to have sidewalks laid out and establish their grade and curb lines; to designate that streets shall have sidewalks either on one or both sides, subject to the procedure for adopting ordinances in Section 15, and to designate the kind of sidewalks to be constructed. Benefits or damages

accruing to any property hereunder shall be subject to the procedure specified in Section 8, (a), (b), (c), (d), and (e) of this Article.

(e) The Mayor and Council shall have power to lay out and alter city beaches, parks and grounds, and to procure land for the same by gift, purchase or contract or by condemnation; but no park shall be purchased, received or laid out unless its purchase or acceptance shall be ratified by a vote of the electors and qualified citizens of the City. The Mayor and Council shall be responsible for the maintenance of City beaches, parks and public grounds and all expenses incurred in the specific appropriation voted therefore.

(f) The Mayor and Council shall take such measure as they shall consider necessary for the collection and disposal of refuse.

## **Section 15 – (Ordinances)**

(a) The Mayor and Council shall have power to make, alter, repeal, and enforce Ordinances not inconsistent with the provisions of CGS. Any person who shall violate any such Ordinance may be proceeded against by criminal complaint, warrant and judgment for commitment as in other criminal cases.

(b) Ordinances, to become effective, shall be presented in written or printed form and shall (a) be approved at a regular meeting of the Mayor and Council; (b) within seven (7) days thereafter be published in accordance with CGS and copies of said proposed Ordinance (s) shall be made available to the electors and qualified citizens of the City at the offices of the City Clerk, and (c) in the absence of an intervening referendum petition as defined in subsection (e) of this section, be approved by a majority vote of the Mayor and Council at the first or second succeeding regular meeting. The effective date of each Ordinance shall be published within ten (10) days after its final approval.

(c) (Emergency Ordinances)

An Ordinance passed as a public emergency measure, and stating the facts constituting such public emergency, shall become effective immediately after publication thereof. Every such Emergency Ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61<sup>st</sup>) day following passage of said Ordinance, unless it shall have been regularly adopted.

(d) (Power of Initiative)

The qualified electors of the City shall have the power to propose ordinances to the Council. If the Council fails to adopt an Ordinance so proposed without any change in substance within thirty (30) days after a petition making such a proposal shall have been certified to the Council as provided herein, the electors may adopt or reject the same at a Referendum called by the Council and held within ninety (90) days after such proposed Ordinance has been certified to the Council. Any such petition may be filed by any elector of the City with the City Clerk and, except as

provided herein, such petition shall conform to the requirements of CGS, Section 7-9, as amended. Said petition shall contain the full text of the Ordinance proposed and shall be signed in ink or indelible pencil by qualified electors of the City equal in number to at least five (5) percent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in CGS, Section 7-9 as may be amended. The City Clerk shall, within ten (10) days after receipt of the last page of said petition within the time provided herein, determine the petition and the affidavits to be sufficient in the manner prescribed in subsection (e) of section 15 of this article and certify said petition to the Council. A majority vote of the qualified electors to adopt the proposed Ordinance shall not become effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted on the question. Said Ordinance shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No Ordinance, which shall have been adopted in accordance with the provisions of this section, shall be repealed or amended by the Council except by vote of the qualified electors.

(e) (Power of Referendum)

The qualified electors of the City shall have the power to approve or reject at a Referendum, as herein provided, any Ordinance adopted by the Council except an Emergency Ordinance adopted in accordance with the provisions of subsection (c) of this section. Ordinances submitted to the Council by initiative petition as provided in section 15(d) of this Article and adopted by the Council shall be subject to a Referendum in the same manner as other Ordinances. Within twenty (20) days after the publication of any Ordinance, as provided in Section 15(b) of this Article, which Ordinance may be subject to Referendum as provided herein, a petition requesting that such Ordinance be either repealed or submitted to a vote of the qualified electors may be filed by any elector of the City with the City Clerk. Any such petition shall conform to the requirements of the CGS, section 7-9 as may be amended, except as provided herein. Said petition shall contain the full text of the Ordinance to be repealed or submitted to Referendum and shall be signed in ink or indelible pencil by qualified electors of the City, equal in number to at least five (5) percent of the electors registered at the last regular municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in CGS, section 7-9, as may be amended. The City Clerk shall, within five (5) days after receipt of the last page of said petition within the time provided herein, determine the petition and the affidavits to be sufficient in the manner prescribed. A majority vote of the qualified electors to repeal such Ordinance shall not become effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted on the question. Within ten (10) days after the petition shall be filed, the City Clerk shall determine whether it is signed by a sufficient number of electors, attach thereto a certificate showing the result of this examination, and mail notification of the finding to the circulator and initial signer of each such paper. In case of insufficiency, the City Clerk shall state the extent thereof. An insufficient Referendum petition may be supplemented within fifteen (15) days after the certification of insufficiency by the filing

of a supplementary petition with the required additional signatures in the form prescribed for an original petition. If the City Clerk shall find the supplemented petition insufficient, it shall be filed in the office of the City Clerk and the City Clerk shall make notification of this finding in the manner prescribed above, and no further action shall be had on such insufficient petition. If a referendum petition is found sufficient by the City Clerk shall certify that fact to the Council at its next regular meeting. If the petition is acceptable to the Mayor and Council, they shall amend the measure, and it shall thereafter be considered a new Ordinance and be subjected to the procedure prescribed in subsection (b). If a Referendum petition be unacceptable to the Mayor and Council, they shall submit the measure to the electors at the next annual or a special Referendum election held within sixty (60) days after the Referendum petition has been certified to the Council, and it shall become effective upon approval at such election. Ordinances, or parts thereof, to be submitted to the electors shall be submitted by ballot. There shall appear upon the official ballot a title which may be distinct from the legal title of any such referred measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance thereof. The ballot title shall be prepared by the City Clerk. The ballots used, when voting upon any such measure, shall have, aside from the ballot title thereof, the two propositions herein indicated: (Title of measure with general statement of substance thereof)

FOR THE MEASURE

AGAINST THE MEASURE

Provision shall be made so that an elector may vote for either proposition by making a cross mark (X) to the left of such proposition or by equivalent arrangement on a voting machine. Any number of measures may be voted upon at the same Referendum election and on the same ballot, but each measure shall be submitted separately.

(f) (Suggested Forms for Petitions and Affidavits)

(A) FORM OF PETITION FOR INITIATIVE OR REFERENDUM.

The petition for Initiative or Referendum shall be in the following form: **WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.** We, the undersigned qualified electors of the City of Groton, hereby present this petition under the provisions of Article V, Section 15 of the Charter of said City, (here insert the word “initiating” or the words “requesting the repeal of”) the following Ordinance (here insert the text of the Ordinance as provided by the City Clerk), and we certify that we are qualified electors of the City of Groton, residing at the addresses set opposite our names, and that we have not signed this petition more than once

(here follow the signatures and addresses).

Signature

Number

Street

(B) FORM OF AFFIDAVIT OF CIRCULATORS TO ACCOMPANY ALL PETITIONS. The affidavit of the circulators of any petition which shall accompany such petition shall be in the following form:

New London County, State of Connecticut (here insert the name and residence address of the circulator of the petition), being duly sworn, deposes and says that he/she is an elector of the City of Groton, and that he/she is the circulator of the foregoing petition containing (here insert the number of signatures on such petition) signatures, that the said signatures were made in his/ her presence, and that they are the signatures of the persons whose names they purport to be.

Signed .....

Subscribed and sworn before me this .....day of  
.....20.....

Justice of the Peace or Notary Public

(g) Each Ordinance shall be signed by the Mayor, countersigned by the City Clerk, and recorded. As soon as practicable after the close of each fiscal year, all Ordinance passed during the previous year shall be compiled by the City Clerk and included in the annual report or printed in some other suitable form as may be directed by the Mayor and Council.

**Section 16 – (Bonding)**

The Mayor and Council, with approval of the electors and qualified citizens of the City, are authorized to issue and sell bonds in accordance with the CGS.

**ARTICLE VI - (ANNUAL BUDGET)**

**Section 1 - (Budget Preparation)**

(a) The Mayor shall require each Department, office or agency of the City supported wholly or in part by City funds, or for which a specific City appropriation is made, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished in the ensuing year.

(b) The Mayor shall compile preliminary estimates for the annual budget. On or before the second Monday in March (See subsection (c), of Section 1 of this Article), the head of each Department, office or agency of the City as described in subsection (a) of Section 1 of this Article, shall file with the Mayor on forms prescribed and provided by the Mayor, a detailed estimate of the expenditures to be made by the specific Department, office, or agency and such other information as may be required by the Mayor and Council.



(c) Department heads of the Police Department and Highway Department shall submit their proposed budgets to the Mayor no later than the first week in January of each year. The Mayor shall finalize these budgets and, within two weeks of receiving the same, submit them to the Council for review and approval. The Mayor shall submit the request for reimbursement to the Manager of the Town of Groton.

**Section 2 - (Proposed Budget)**

(a) On the first Monday in April the Mayor shall provide the proposed budget to the Council for its consideration. On the second Monday in April, a summary of the proposed budget shall be published in accordance with CGS, and copies of said proposed budget shall be made available to the electors and qualified citizens of the City at the offices of the City Clerk.

(b) On the third Monday in April, the Council shall hold a public hearing at which any elector or qualified citizen shall have the opportunity to be heard on the proposed budget.

(c) At a duly called meeting of the Mayor and Council, to be held no later than the third Monday of May, the Council shall approve the budget. The Council shall have the authority to revise the proposed budget by increasing or decreasing the amount in budget line items. For purposes of this Article the term "budget categories" shall mean the various proposed appropriations for various departments and expenditures as contained in the published notice of the annual budget meeting. For purposes of this Article, the term "budget line items" shall mean the detailed itemization of all expenditures within budget categories. If no budget is approved by the Council, the Mayor's original proposed budget shall be submitted to the electors and qualified citizens of the City for their approval at the annual City budget meeting.

(d) On the Fourth Monday in May, a summary of the proposed budget shall be published according to CGS, and copies of such budget shall be made available to the electors and qualified citizens at the office of the City Clerk, along with an overall summary and rationales for individual department requests. In addition, any changes from previously published budget(s) will be highlighted.

**Section 3 - (Annual City Budget Meeting)**

(a) The annual City budget meeting shall be held annually on the first Monday of June for the following purposes:

1. To approve the budget for the ensuing year,
2. To act on other matters set forth in the warning/call of the meeting which may legally come before such a meeting.

(b) No amount of money less than or more than that recommended for the total budget may be approved at the annual budget meeting except by a majority vote of electors and qualified

citizens present and voting in a number equal to at least five (5) percent of the electors of the City. While discussions of budget categories and line items are in order, the electors and qualified citizens of the City at the annual City budget meeting shall have no power to decrease or increase specific budget categories or line items.

(c) The budget shall become effective when approved by the annual City budget meeting. Should the annual budget meeting fail to approve a budget as specified herein, the budget submitted by the Mayor and approved by the Council shall be deemed to have been finally adopted and all expenditures shall be made in accordance therewith.

**Section 4 - (Authority to Lay Taxes)**

(a) No later than the third Monday of June, the Mayor and Council shall levy a tax sufficient to cover the approved City budget and shall set a date for its collection.

(b) The electors and qualified citizens may, at any legal meeting, lay taxes upon the ratable estate, the assessment list to be taken from the assessment list of the Town last perfected before such levy by any assessor of the Town, upon request of the Mayor, in the same manner that Town taxes are laid by statute; except that the Mayor and Council shall constitute the board of relief for said City and shall perform the duties and have the power of boards of relief of Towns.

**Section 5 - (Appropriations)**

Appropriations for construction or for other improvements from whatever source derived shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three (3) fiscal years lapse without any expenditure from or encumbrance of the appropriation therefore, and provided further that any such appropriation which has not been completely expended at the end of five (5) years from the date therefore shall thereupon lapse. With the approval of the Mayor and Council, said appropriation can be extended for an additional three (3) years, but no appropriation can be made more than eight (8) years from the date of the original approval. Any other portion of the annual City budget not appropriated for construction or other permanent improvements remaining unexpended and unencumbered at the close of the fiscal year shall lapse and return to the general fund of the City. Furthermore, any encumbrance not expended within the succeeding fiscal year shall lapse and be returned to the general fund.

**Section 6 - (Fiscal Year)**

For accounting purposes, the fiscal year shall extend from the first day of July in one year, to the 30<sup>th</sup> day of June in the succeeding year.

## **ARTICLE VII (ELECTED CITY OFFICERS)**

### **Section 1 - (Mayor - Election and Qualifications)**

At each City election a Mayor shall be chosen by the electors of the City. Such Mayor shall serve for a term of two (2) years and until a successor shall have been elected and qualified and shall take office on the first Monday following the City election. The Mayor shall be the chief executive officer of the City and shall receive such compensation as shall be approved by the electors and qualified citizens at the annual City budget meeting.

### **Section 2 - (Mayor - General Duties)**

(a) The Mayor shall be directly responsible for the administration of all Departments, agencies, and offices in charge of persons or boards appointed by the Mayor and shall supervise and direct the same. The Mayor shall see that all laws and Ordinances governing the City are faithfully executed; shall make periodic reports to the Council and shall preside over its meeting; shall cause to be prepared and cause to be printed, as soon as possible after the close of the fiscal year, an annual City report; shall recommend to the Council such measures as deemed necessary or expedient; shall keep the Council fully advised as to the financial condition of the City; shall cause to be prepared and submitted to the Council an annual budget and shall exercise such other powers and duties as may be authorized by Ordinance or resolution of the Council not inconsistent with this Charter. The Council shall not diminish by Ordinance, vote or otherwise the powers and duties of the Mayor, except those powers and duties imposed on him/her by the Council under the provisions of this section.

(b) The Mayor shall cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. The Mayor shall cause to be prepared a set of personnel rules as prescribed in Article XII, Section 2. A chart of overall City management and attendant job descriptions for Department heads shall be prepared annually by the Mayor.

### **Section 3 - (Mayoral Appointments)**

(a) The Mayor shall appoint, with the approval of the Council, all Department heads and other officers, and those employees of the City requiring a formal examination for qualification or certification to their respective positions, except employees in the offices of elected officers or boards and officers and boards appointed by the Council. In lieu of any appointment by the Mayor or any appointees to any office under the Mayor's jurisdiction, the Mayor may perform, subject to the approval of the Council, the duties of any office under the Mayor's jurisdiction. In the absence of the City Clerk or because of the inability to act, the Mayor may countersign checks.

**Section 4 - (Mayor - Signing of Orders)**

The Mayor shall countersign all orders drawn by the City Clerk, and no such order shall be valid unless so countersigned.

**Section 5 - (Deputy Mayor)**

Whenever the Mayor shall be temporarily absent or unable to perform the duties of the office of the Mayor, the Deputy Mayor, or, in case of inability of the latter, a Councilor chosen, by majority vote of the Council, shall act as Mayor, and while so acting shall have the powers and duties conferred and imposed upon the Mayor. All acts of such Deputy Mayor or Councilor, while serving as Mayor, shall have the same effect as like acts performed by the Mayor. At any meeting of the Mayor and Council, the Deputy Mayor or Councilor, while acting as Mayor, may vote as a Mayor only.

**Section 6 - (City Clerk)**

(a) The City Clerk shall keep the records of the City and make due entry therein of all votes and proceedings of the City and of all votes and proceedings of the Mayor and Council. After each meeting of the Mayor and Council, the City Clerk shall transmit to each member a copy of its proceedings. The City Clerk shall make a record of the City Clerk's acts in serving notices of orders or votes passed by the Mayor and Council. The City Clerk shall cause all Ordinances approved by the Mayor and Council to be carefully engrossed in the records and published in accordance with the provisions of Article V, Section 15(b), and shall certify such publication; but omission to engross any such Ordinance or to certify publication thereof shall not impair or affect its validity in any respect.

(b) The City Clerk shall have the custody and charge of and shall safely keep all records, documents, papers, and maps in proper files in the office of the City Clerk. The City Clerk shall have custody and charge of the City seal and shall cause it to be affixed to instruments and writings as authorized to do so by the Mayor and Council. Failure to affix the City seal shall not affect the validity of any instrument or writing otherwise duly authorized.

**ARTICLE VIII (APPOINTED CITY OFFICERS)**

**Section 1 - (Attorney)**

The Mayor, with approval of the Council by majority vote, shall within thirty (30) days after the biennial election, appoint a City Attorney to serve until the next biennial election or until a successor can be appointed and qualified. If such appointment is not approved by the Council, the Mayor shall submit the name of a new attorney to the Council every fourteen (14) days thereafter until the Council approves such appointment. The name of a new attorney shall not be

the name of a previously rejected attorney unless the Council, by four (4) affirmative votes, decides to reconsider such previously rejected attorney. The City Attorney shall be an attorney-at-law admitted to the practice before all the Courts of the State of Connecticut and the Federal District Court of Connecticut. The City Attorney, which shall include members of the Attorney's firm, shall appear for and protect the rights of the City in all actions, suits, or proceedings at law, including administrative proceedings brought against the City or any of its Departments, agencies, boards, and commissions or agencies of the City which may hereinafter be created by legislative action of the State of Connecticut or the City of Groton. The City Attorney shall be the legal advisor to the Mayor and Council, City Clerk, and all heads of Departments, boards, and commissions, and any boards, commissions, or agencies which may hereinafter be created as set forth above. The City Attorney may render legal opinions concerning any legal question affecting the City directly to the Mayor and Council upon the City Attorney's own authority as the legal officer of the City; or at the request of the Mayor, any Councilor, the City Clerk, chairperson of any board or commission, the City Attorney shall furnish them with an opinion upon any question of law affecting the City concerning their respective powers, duties and functions. Upon written request, the City Attorney shall furnish a written opinion on any question of law. At regular meetings of the Mayor and Council, the City Attorney, upon request by the Mayor and Council, shall provide a report of activities on behalf of the City between regular meetings of the Mayor and Council. In case of a conflict of interest, the Mayor may appoint another qualified attorney to represent the City.

**Section 2 - (Auditor)**

At their first meeting annually, the Mayor with the approval of the Council shall appoint an Auditor, who shall be a certified public accountant and shall hold office for one year. The Auditor shall submit to the Mayor and Council a detailed audit of all City accounts including all City Department of Utilities accounts and all City-owned companies.

**Section 3 - (Tax Collector)**

The Town Tax Collector shall serve as City Collector as provided in number 142 of the special acts of 1929.

**Section 4 - (Other Appointed City Officers)**

- (a) Director of Finance - See Art. X, Section 1(a)
- (b) Director of Public Works - See Art. X, Section 2(a)
- (c) Director of Utilities - See Art. X, Section 4(a)
- (d) Chief of Police - See Art. X, Section 5(a)
- (e) Fire Chief - See Art. X Section 6(a)

- (f) Director of Parks and Recreation - See Art. X, Section 8(a)
- (g) Building and Zoning Official - See Art. X, Section 3(b)
- (h) City Planner- Art. X, Section 9(a)
- (i) Human Resources Director –Art. X Section 10 (a)

## **ARTICLE IX (ETHICS)**

### **Section 1 - (Purpose)**

- (a) There is hereby established a Code of Ethics (hereinafter referred to as “The Code”) for all officials, employees, and volunteers of the City of Groton (hereinafter referred to as “City Official(s)”). This code shall establish and define ethical standards for The City.
- (b) The term “City Official” is further clarified as any person involved with the government of the City of Groton. This includes any holder of public office (elected or appointed), any employee of the City (paid or unpaid), and any member of any Board, Commission, authority, or Committee of the City.

### **Section 2 – (Code of Ethics)**

No City Official shall accept any employment or have any substantial financial interest in, direct or indirect, or engage in business, transaction, or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties on behalf of the City or which will tend to impair such City Officials independence of judgment or action in the performance of their official duties. Substantial financial interest, as used in this Code, is defined as monetary interest of a greater nominal value that is not common to the general public or a large segment thereof.

- (a) City Officials serving on a the board, commission, authority, or committee involving the City shall disclose to the Chairperson of that Board, Commission, authority, or Committee on which such City Official serves when such City Official or any member of the City Official’s immediate family has a substantial financial interest in any matter of consideration by such board, commission, authority, or committee. The City Official shall recuse himself or herself from any participation in the consideration of any such matter. The term “immediate family’ is defined as any City Official’s spouse, siblings, children, parents, spouse’s parents, siblings, and children, and others who are members of the City Official’s household.

(b) City Officials shall not disclose information of a confidential nature concerning the affairs of the City, or use any confidential information acquired in the course of their official duties.

(c) No City Official, member of such City Official's immediate family, or business with which such City Official is associated, shall solicit or accept anything of value, including, but not limited to, a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment, of the City Official would be or had been influenced by.

(d) No City Official shall misuse City owned vehicles, equipment, supplies, property, labor, or other City resource for their own personnel advantage or convenience. City property or resources which are legitimately placed in the trust of a City Official for the conduct of official City business will be preserved and cared for to the best of their ability.

(e) City Officials must bear in mind their role as public servants and as such are expected to behave in a manner that is honorable, courteous, impartial, and fair to the general public at all times in the performance of their duties.

### **Section 3 – (Board of Ethics)**

There shall be a Board of Ethics (herein referred to as "The Board"), consisting of five (5) members, to be appointed from among the electors of the City, by the Mayor with the approval of the Council. Each Member shall serve without compensation for a term of four (4) years. The initial appointments which shall be made within ninety (90) days of adoption of this Charter as follows:

- 1 member to be appointed for a term of two (2) years
- 2 members to be appointed for a term of three (3) years and
- 2 members to be appointed for a term of four (4) years.

As members' terms expire, it will be the responsibility of the Mayor, with the approval of the Council, to fill the vacancy within thirty (30) days. The Board's rules and regulations of procedure shall be established by the Code of Ethics. The activities, votes and rulings of this Board shall not be subject to oversight or reversal by any City Official or body. The Board shall have such powers and duties as may be set forth in this Charter or any other Ordinances of the City as may be applicable.

Terms: The members of the Board shall serve for term of four (4) years except for the initial appointment.

No board member may serve on the Board for more than two consecutive four (4) year terms. If a board member serves for two consecutive four (4) year terms, one year must elapse before he/she shall again be eligible to serve on the Board. Terms shall be staggered so that no more

than approximately one third of the Board shall be up for appointment in any year, unless a vacancy (ies) needs to be filled.

**Section 4 – (Duties and Powers of the Board)**

(a) The Board shall render advisory opinions concerning the application of The Code to any City Official upon request. Such advisory opinions shall be published and filed with the City Clerk with such deletions as may be necessary.

(b) Upon the written complaint of any person, signed under penalty of false statement, or upon its own complaint, the Board shall investigate any alleged violation of the Charter or any Code of Ethics adopted the City to determine if sufficient probable to warrant further action by the Board.

(c) Upon receiving any complaint, the Board shall privately notify, in writing, using certified mail services with return receipt requested, the person against whom such complaint has been filed of the specific nature of the complaint made. The Board shall act on such complaint in accordance with the provisions of the CGS. No hearing shall be conducted with fewer than four (4) members of The Board in attendance.

(d) The person accused of ethics violations may choose between a public or private hearing. The City Attorney or duly appointed representative, who shall also be an attorney, shall attend such hearings and rule on all matters concerning the application of the rules of evidence The City Attorney shall also serve as advisor to the Board on any legal issues. At such hearings, the respondent shall have the right to be represented by legal counsel, the right to compel the attendance of witnesses and the production of books, documents, records, and papers and to examine and cross-examine witnesses. The Board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books, documents, records, and papers. At the request of the Board, any judge may issue a *capias* for the appearance of the respondent, witnesses, and the production of books, documents, records, and papers. The Board shall find no person in violation of this Charter and/or any such Code of Ethics except upon the concurring vote of four (4) of its members.

(e) The Board shall report to the City Council as appropriate, its findings as to whether or not a violation of The Code has occurred, together with recommendations as to the disposition to be made. The City Council as the case may be, shall thereupon take such action as it may deem appropriate. In addition, the Board may make public its findings and opinions, with such deletions as may, in its discretion and as permitted by law, be necessary or desirable.

(f) The Board, upon the request of any City Official or upon its own initiative, renders written advisory opinions concerning any matters relating to The Code.



(g) All opinions, findings, and recommendations of The Board which are matters of public record, whether advisory or at the request of a complaint, shall be kept on file in the Office of the City Clerk.

(h) No complaint may be made under The Code except within two (2) years next after the alleged violation has become known to the complainant.

**Section 5 - (Conflict of Interest)**

No Public official, as shall be defined in the Code of Ethics of the City, as amended from time to time, shall vote upon any Ordinance or Resolution which involves the consideration of his or her own financial conduct or his or her own financial interest as such may be defined by the Code of Ethics of the City in existence at the time of the alleged violation.

**ARTICLE X (CITY DEPARTMENTS)**

All Department Heads shall be responsible to and comply with requirements of the City's Affirmative Action Plan and shall adhere to the tenets of diversity and the Code of Ethics in the hiring and management of employees.

**Section 1 – (Finance)**

The Department of Finance shall be responsible for the keeping of accounts and financial records, special assessments and other revenues, the custody and disbursement of City funds and money, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the City Council. Accounts shall be kept by the Department of Finance showing the financial transactions for such departments and agencies of the City, as the Council may direct. Forms for such accounts shall be prescribed by the director of finance with the approval of the council. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Council.

(a) The Director of Finance; powers and duties.

Except as provided in Article VII, Section 3 of this Charter, the Mayor with the approval of the Council shall appoint and may remove a Director of Finance who shall have direct supervision over the Department of Finance and the administration of the financial affairs of the City and City-owned companies, including the trusteeship of the notes, bonds or certificates of debt issued by said City. The Director of Finance may appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter, a purchasing agent, and all other employees of the Department of Finance.

(b) Department of Finance shall purchase all supplies, materials, equipment and other commodities required by any department, agency, board or commission of the city except the department of utilities, on requisitions signed by the head of the department, office or agency or chairman of the board or commission, or a responsible representative appointed by him. Nothing herein contained shall be construed to prevent the Department of Finance from serving as the purchasing agent for the Utilities Department upon the request of the Utilities Commission. Purchases shall be made under such rules and regulations as may be established by the Mayor and Council.

**Section 2 – (Public Works)**

The Department of Public Works shall have supervision and control of the maintenance of all City-owned structures, excepting those within the purview of Department of Utilities and Parks and Recreation, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, and inspecting of highways, sidewalks and curbs, public and private drains and other public improvements, of the preservation, care and removal of trees within highways or public places, all engineering work of the City, excepting the Department of Utilities, and Parks and Recreation and the collection and disposal of refuse.

(a) The Director of Public Works; powers and duties. The Mayor, with the approval of the Council, shall appoint and may remove a Director of Public Works who shall be responsible for the efficiency, discipline, and good conduct of the Department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Article XII of this Charter, shall appoint and may remove such deputies, assistants and employees as the Director may deem necessary and shall prescribe their duties. The Director of Public Works shall exercise his/her powers and discharge the duties of the office under the supervision of the Mayor and Council. The Director of Public Works shall organize the work of the Department in such manner as deemed most economical and efficient. The Director shall be or may designate the tree warden who shall have all the powers and duties thereof as provided in CGS, chapter 451, or as amended.

**Section 3 - (Building and Zoning)**

(a) The Building and Zoning Department shall administer all laws, Ordinances, and regulations governing the construction of buildings and other structures, including all plumbing, mechanical, gas or oil burner installation therein as established by Ordinances, the CGS, and the Building Code.

(b) Building and Zoning Official – Roles and Responsibilities)

The Mayor, with the approval of the Council, shall appoint a Building and Zoning Official. The Building and Zoning Official will serve as the Director of the Building and Zoning Department. To be eligible for appointment, the Building and Zoning Official shall meet the requirements of

the CGS, Section 29. The Building and Zoning Official shall administer the Building Code as promulgated by the State of Connecticut, and amended from time to time. For administrative purposes, the Building and Zoning Official shall report to the Mayor.

**Section 4 - (Utilities)**

The Department of Utilities shall have supervision and control of the maintenance of all City-owned sewer lines, electric, water, gas, traffic control, fire alarm systems, street and park lighting structures and fixtures; and of the planning, surveying, constructing and reconstructing, altering, repairing, maintaining, and inspecting of all utilities services. The Department of Utilities shall have supervision and control of all buildings, structures, apparatus and equipment dedicated to the exclusive use of the Department of Utilities and shall administer all laws, Ordinances, and regulations, if any, governing the various utilities systems and their installation, and shall have such other powers and duties as the Mayor and Council may prescribe.

(a) Director of Utilities; powers and duties.

The Mayor, with the approval of the Council, shall appoint and may remove for just cause, the Director of Utilities who shall be responsible for the efficiency, discipline, and good conduct of the Department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Article XII, Section 1 of this Charter, shall appoint and may remove such deputies, assistants and employees as the Director may deem necessary and shall prescribe their duties. The Director of Utilities shall exercise the powers and discharge the duties of the Director under the supervision of the Mayor and Council and in accordance with the decisions of the Utilities Commission. The Director of Utilities shall organize the work of the Department in such a manner, as he/she shall be deemed most economical and efficient.

(b) The Director of Utilities shall enforce the Department of Utilities' "Rules and Regulations for Electric, Gas and Water Service" as approved by the Utilities Commission. The Director of Utilities shall prepare and modify such "Rules and Regulations" as deemed necessary for the efficient operation of the Department of Utilities. The "Rules and Regulations" shall be reviewed and updated annually and shall be presented for approval to the Utilities Commission at its July meeting.

**Section 5 – (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 rights of persons and property and enforcement of the laws of the state, and the ordinances of the City, and all rules and regulations made in accordance therewith. All members of the Department, except clerical and other personnel without law enforcement responsibilities shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are

vested in police officers by the CGS, and all powers and duties imposed by law on constables except as otherwise provided by Departmental rules and regulations.

(a) Chief of Police; powers and duties.

Except as provided in Article VII, Section 3 of this Charter, the Mayor with the approval of the Council shall appoint and may remove subject to the CGS, Section 7-278, a Chief of Police. The Chief of Police and Deputy Chief of Police (if appointed) shall both be accorded all rights and privileges outlined in CGS, Section 7-278. The Chief of Police shall make recommendations to the Mayor on the hiring and promoting of all employees of the Police Department, with the approval of the Mayor and Council.

(b) The Chief of Police shall assign, or so direct to be assigned, all members of the Police Department to their respective posts, shifts, details and duties. The Chief of Police shall make rules and regulations concerning the operation of the Police Department, subject to applicable law. The Chief of Police shall be responsible for the efficiency, discipline and good conduct of the Department and for the care and custody of all property used by the Department.

(c) The Chief of Police shall have the power, as it pertains to non-probationary officers and/or employees of the Police Department, to remove, reduce in rank, suspend without pay or take any other disciplinary action for just cause, provided no such disciplinary action is taken for political reasons. Probationary employees are employees at-will, and the Chief may exercise disciplinary power with or without just cause, provided no such disciplinary action is taken for political reasons. The length of the probationary period is twelve (12) months of continuous employment following the completion of the Police Academy, or as otherwise defined in any then-current collective bargaining agreement. Should any then-current collective bargaining agreement limit the power of the Chief to discipline officers and/or employees of the Police Department, the Mayor shall exercise the powers outlined above for any and all disciplinary action in excess of the limitation placed on the Chief.

## **Section 6 - (Fire Department)**

The Fire Department shall be responsible for the protection of life and property within the City from fire and hazardous material for the enforcement of all laws, Ordinances and regulations relating to fire prevention and fire safety and hazardous materials.

(a) The Fire Chief; powers and duties:

Except as provided in Article VII, Section 3 of this Charter, the Mayor with the approval of the Council shall appoint and may remove, subject to the provisions of the CGS, Sections 7-302 and 29-297, a Fire Chief who shall be the local Fire Marshal. The Fire Chief and Deputy Fire Chief shall both be accorded all rights and privileges outlined in CGS, Section 7-302. The Deputy Fire Chief shall be the local Deputy Fire Marshall. The Fire Chief shall make recommendations to

the Mayor on the hiring and promoting of all employees of the Fire Department, with the approval of the Mayor and Council.

(b) The Fire Chief shall assign, or so direct to be assigned, all members of the Fire Department to their respective posts, shifts, details and duties. The Fire Chief shall make rules and regulations concerning the operation of the Fire Department, subject to applicable law. The Fire Chief shall be responsible for the efficiency, discipline and good conduct of the Department and for the care and custody of all property used by the Department.

(c) The Fire Chief shall have the power, as it pertains to non-probationary officers and/or employees of the Fire Department, to remove, reduce in rank, suspend without pay or take any other disciplinary action for just cause, provided no such disciplinary action is taken for political reasons. Probationary employees are employees at-will, and the Chief may exercise disciplinary power with or without just cause, provided no such disciplinary action is taken for political reasons. The length of the probationary period is twelve (12) months of continuous employment from date of appointment, or as otherwise defined in any then-current collective bargaining agreement. Should any then-current collective bargaining agreement limit the power of the Chief to discipline officers and/or employees of the Fire Department, the Mayor shall exercise the powers outlined above for any and all disciplinary action in excess of the limitation placed on the Chief.

**Section 7 - (Health District)**

The preservation and promotion of public health may be provided through participation in a regional Health District.

**Section 8 - (Recreation Department)**

The Recreation Department shall be responsible for the planning, administering, scheduling and operation of all recreational programs; beaches, parks, and grounds used for park purposes belonging to the City, and of buildings, and other structures, apparatus, and equipment used in connection therewith.

(a) The Director of Parks and Recreation; powers and duties.

The Mayor, with the approval of the council, shall appoint and may remove a Director of Parks and Recreation who shall be responsible for the planning, administration, scheduling and direction of all City recreational programs. The Director of Parks and Recreation shall work closely with and function as an advisor to the City of Groton Beach and Parks Commission. He/she shall, in accordance with such rules and regulations to the merit system provisions contained in Article XII Section 1 of this Charter, appoint, and may remove, such deputies, assistants and employees as he may deem necessary and shall prescribe their duties.

**Section 9 - (City Planning)**

(a) The City Planner; powers and duties

The Mayor, with the approval of the council, shall appoint and may remove a City Planner. The City Planner shall be responsible for assisting the Planning and Zoning Commission in the development and maintenance of the Plan of Conservation and Development of the City. The Planner shall make studies and prepare recommendations and reports for orderly community development in the areas of zoning, subdivision regulations, land use and other phases of municipal development. The Planner shall have such other powers and duties as the Mayor and Council may prescribe.

**Section 10 - (Human Resources Department)**

Human Resources Department shall be responsible for the recruitment, selection and orientation process for the new full-time, part-time, and seasonal employees. The HR Director works with the Mayor to ensure equitable and cooperative labor relations are promoted by the department. This is done through collective bargaining and contract administration while ensuring compliance with State and Federal Labor and Employment Laws.

(a) The Human Resources Director; powers and duties

The head of the department shall be the Human Resource Director. The director shall be appointed and may be removed by the Mayor and Council. The Human Resource Director shall be responsible for assisting the Mayor in all activities involving employees of the City including compliance with State and Federal law.

**Article XI (UTILITIES COMMISSIONERS)**

**Section 1 – (Membership)**

There shall be five (5) Commissioners including the Mayor who shall be Chairperson, pursuant to Article V, Section 12 of this Charter.

**Section 2 – (Quorum, Voting)**

Three Commissioners shall constitute a quorum for the transaction of business. At all meetings of the Commissioners, the Mayor, when present, shall preside and shall have a vote. No vote shall be adopted except on the approval of a majority of all the Commissioners.

**Section 3 – (General)**

The Commissioners may appoint a Clerk and a Treasurer. The Treasurer of said Commissioners shall give a bond to the City, with proper sureties thereon, conditioned upon the faithful

performance of his/her duties. The Commissioners shall draw orders on their Treasurer for payment of all obligations of said Department of Utilities.

**Section 4 - (Records, Reports and Budget)**

(a) The Utilities Commissioners shall keep a record of their official proceedings and accounts in accordance with the Uniform System of Accounts Prescribed for Electric Utilities and for Water Utilities by the Connecticut Department of Public Utility Control. The Utilities Commission shall prepare and approve an itemized annual budget proposal for the Department of Utilities, which shall be sent to the Mayor and Council by April 30<sup>th</sup> for their approval. The Mayor and Council shall approve a final budget no later than June 30<sup>th</sup>.

(b) The Commissioners shall render statements to the Mayor and Council each August 31st, showing the prior fiscal year's transactions and the condition of the Utility properties. Such statements shall be sworn to by one or more of the said Commissioners and recorded in the records of the City. The Commissioners shall also render statements to the Mayor and Council as they may require.

**Section 5 – (Responsibilities)**

(a) The Commissioners shall make rules and regulations regarding the use and distribution of all Utilities, propose the rates therefore, and collect the same.

(b) Each non-budgeted expenditure of said Commission totaling in excess of \$10,000 shall be subject to the approval of the Mayor and Council. The extension of utility services, either within or beyond the existing franchise area, acquisitions or sale of real property, establishing rates, and expenditures of a major nature shall be proposed in advance to the Mayor and Council and subjected to the procedure established for the adoption of ordinances in Article V, Section 15; provided an extension or improvement of any utility which has been ordered by the proper state authority shall not be subject to referendum; and provided further that the establishing of rates and charges shall not be subject to referendum.

(c) No rate or charge for any utility service shall be established until after a public hearing before the Utilities Commission at which all consumers of water, gas, or electricity, owners of property served or to be served and others interested shall have had an opportunity to be heard concerning such proposed rate or charge.

(d) The Commissioners shall establish, with approval of the Mayor and Council, rates to be charged for electricity and other utilities sold, and services rendered by the Department of Utilities, excepting water. Rates shall be fair, reasonable and compensatory and shall be uniform for all customers within the same class; but different rate schedules may be applied to different classes of customers as determined by the Commissioners. Rates within the City limits may be less, but shall be no greater than for the same class of customer outside the City limits. Rates

shall not be changed more often than once in three months; and any change shall take effect on the first day of the month without proration. Such rates shall be fixed in accordance with the CGS.

(e) The Commissioners shall establish, with approval of the Mayor and Council, rates to be charged for water sold and services rendered by the Department of Utilities. Rates shall be fair, reasonable and compensatory and shall be uniform for all customers within the same class, but different rate schedules may be applied to different classes of customers as determined by the Utilities Commissioners. Rates within the City limits may be less, but shall be no greater than for the same class of service outside the City limits. Such rates or charges shall be sufficient in each year for the payment of the expense of operation, repair, replacements and maintenance of such system, for payment of all bond interest and principal costs and for such rate of return as allowed by law.

(f) The Commissioners may require reasonable deposit as security for the payment of charges for utility services and may provide for the return of the deposits when satisfactory customer credit has been established.

(g) The Commissioners shall ensure compliance with the guidelines established from time to time by the Mayor and Council for the return to the City from the Department of Utilities.

**Section 6 – (Powers)**

The Commissioners, or their duly authorized representatives, may enter any land in the territory specified in Sections 10 and 11 Article V for the purpose of making necessary surveys. Subject to the provisions of Section 4 of this Article, the Commissioners may take any lands, rights, easements, privileges, or franchise which may be necessary for executing the powers conferred upon them, and may agree with the owner or owners of any such property or franchise as to the compensation therefore. In case of disagreement, the procedure specified in Article V, Section 8 (a-e) shall apply.

**Article XII (CLASSIFIED SERVICE)**

**Section 1 - (Merit System)**

All officers and employees in the classified service of the City as described in Section 2 below, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

**Section 2 - (General)**

The classified service shall include all employees and appointees to all positions now or hereafter created except the following: elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions; officers appointed by the Council; the Director of



Finance, the Director of Public Works, the Director of Parks and Recreation, the Chief of Police, the Deputy Chief of Police, the Fire Chief, the Deputy Fire Chief, the Director of Utilities, City Planner, and the Director of Human Resources and the Building and Zoning Official, persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation, and persons employed for a temporary period not exceeding ninety (90) days, or to the time limitations of any collective bargaining agreement. It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the City, which shall become effective upon approval by resolution of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Council upon the recommendation of the Mayor. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The Mayor shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the City. Such rules and any amendments thereto shall become effective upon being approved by the Council and filed by the Mayor with the City Clerk. Copies of such rules and amendments thereto shall be distributed to all members of the classified service.

### **ARTICLE XIII (RETIREMENT PLAN)**

#### **Section 1 – (Definitions)**

The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall have the following meanings: “Retirement System” shall mean the plan established by this Article for retirement of all regular full time employees of the City of Groton; “Retirement Board” and Board” shall mean the Board herein created for the administration of the retirement system; “pension” shall mean a payment made to an employee according to the provisions of this Article other than a return of contributions; “retirement fund” shall mean the fund derived from contributions made as herein provided for the payment of pensions under this Article.

#### **Section 2 – (Retirement System)**

A Retirement System shall be established by the Mayor and approved by the Council that defines employee applicability, amount of employee and City contributions, retirement qualifications and benefits, records requirements and other administrative procedures. In the event of any conflict between the terms of this Charter, the provisions of the Retirement Plans, and said

collective bargaining agreements adopted pursuant to the Municipal Employee Retirement Act of the State of Connecticut, CGS Section 7-467, the terms of said collective bargaining agreements shall govern.

**Section 3 – (Retirement Board)**

The management of the retirement system for the City of Groton shall be vested in a Retirement Board consisting of the Mayor, who shall be Chairperson, a City Councilor and a Utility Commissioner, each to be appointed biennially by the Mayor, one member of the regular Fire Department, one member of the regular Police Department, one member of the regular Department of Public Works, and one member of the Department of Utilities, one member from the City Retiree Association and one member from that group of City employees, including management, not represented by a collective bargaining unit. The members representing the Fire Department, Police Department, Public Works Department and the Department of Utilities shall be chosen by the members of their respective Departments biennially. The members representing non-bargaining unit employees shall be chosen by all employees in that category biennially. The member representing the City Retiree Association shall be chosen by that organization biennially. The term of each member shall continue until successor shall be elected or appointed and shall have qualified. In the event of a vacancy on said-Board, such vacancy shall be filled in the same manner as the member so to be succeeded was appointed or elected. In no event shall any person remain a member of said Board except during the time he/she continues to hold the office, or employment in the Department or non-bargaining unit from which member was appointed or elected. The members of the Retirement Board shall serve without compensation. The Board shall make by-laws and regulations not inconsistent with the law; shall employ such actuarial, medical, clerical and other services as may be necessary for the proper operation of the retirement system, and shall do all things necessary and proper toward carrying out the purpose for which the retirement system is created. The Board shall submit annually to the Mayor and Council of the City a schedule of its estimated expenses necessary for the administration of this act, and all such expenses of administration shall be paid by the City. The Board shall be the trustee of the retirement fund and shall have full control and management thereof, with power to invest and reinvest the same in accordance with the laws of the State governing the investment of trust funds. The Mayor and Council of the City is empowered to designate which, if any, members of the Retirement Board shall furnish bonds, and is further empowered to designate the amount of such bonds, the cost of which shall be paid by the City. The Retirement Board shall meet annually and designate the frequency of meetings between the annual meetings.

**Section 4 – (Permissive Insurance of Plan)**

The Retirement Board may enter into a contract with any insurance company authorized to transact business in Connecticut to insure the entire plan or such portion thereof as the Board shall deem advisable; provided any such contract, before actually being consummated, shall be approved by a majority vote of the Board and Mayor and Council of the City. All premiums paid

to any insurance company under this section shall be paid out of funds received by said Board from employees and from the City, as herein before provided.

**Section 5 – (Limitations of Action)**

No action for amounts due under the provisions of this Article shall be brought but within one year after discovery of the right of action and no more than three years after its accrual. All amounts not claimed within said period shall remain a part of the retirement fund.

**Section 6 – (Annual Report)**

The Retirement Board shall, on or before July fifteenth of each year, file with Mayor and Council of the City of Groton an annual report showing the financial condition of the retirement system as of the end of the last-completed fiscal year, and setting forth such other facts, recommendations and data as may be of value to the members of the retirement system and the City of Groton.

**Section 7 – (Change or Discontinuance)**

If as a result of the amendment of the Federal Social Security Act or enactment of other federal, state or other legislation, all of the employees eligible under the retirement system, or all of the class or classes thereof determined by conditions pertaining to their employment in the service of the City, become entitled to old age benefits or income, the Retirement Board may recommend to the City changes in the retirement plan provided by this Article. The changes so recommended shall become effective if approved by the City of Groton at a City Meeting. The changes so recommended by the Retirement Board to become effective if approved by the City of Groton at a City meeting may include a provision that services of individuals in positions covered under the retirement plan need not be excluded in determining coverage under the old-age and survivor's insurance system under title II of the Social Security Act, as amended, as defined in House Bill number 2031 of the 1955 general assembly entitled, "An Act enabling municipalities to participate in the Federal Social Security System." Such changes shall not affect the retirement income benefits already provided for employees who have reached their normal retirement date on the effective date of such change, or to be provided for other employees by the contributions made by the employees and the regular contributions made by the City prior to the effective date of such change. The retirement system may be discontinued by the City of Groton by adoption of an appropriate resolution at two City meetings held at least one year, and not more than two years, apart. Such discontinuance shall not affect those employees who at the date of the second City meeting had already retired or reached their normal retirement date. The rights of employees who have not retired or reached their normal retirement date shall be as provided by section 4 hereof.

**ARTICLE XIV (EFFECTIVE DATE PRIOR CHARTER NULL AND VOID)**

**This charter shall become effective on December 6, 2012 and render previous charters null and void.**

**ATTEST:**

**Debra Patrick**

**City Clerk**