REGULAR MEETING OF THE CHARTER REVISION COMMISSION

There will be a regular meeting of the Charter Revision Commission to be held on Tuesday, May 7, 2019 at 6:30 PM at City Hall, 2nd floor staff lounge, 111 N. Main Street, Bristol, Connecticut.

AGENDA

1. Call to order.
2. Introduction of commissioners.
3. Discuss and approve the minutes of the meeting held on April 16, 2019 and take any action as necessary.
4. Public participation regarding revisions to the charter.
5. Discuss possible revisions to Section 48A (Water department - Sewage Treatment) of the charter and take any action as necessary.
6. Discuss possible revisions to Section 12 (City officers; elective) and Section 18 (The treasurer) regarding the appointment of the city treasurer and take any action as necessary.
7. Discuss possible revisions to Section 45 (Police department and board of police commissioners) and to Section 53(d) of the charter and take any action as necessary.
8. Discuss possible revisions to Section 46A (Police department – Merit system) of the charter and take any action as necessary.
9. Discuss possible revisions to Section 46B (Chief of police) of the charter and take any action as necessary.
10. Discuss comments and potential topics for charter revision raised during public participation and take any action as necessary.

11. Discuss the charter and proposed charter revisions raised by the commissioners of the charter revision commission and take any action as necessary.

12. Discuss old business and take any action as necessary.

13. Discuss new business and take any action as necessary.

14. Discuss meeting dates and agendas and take any action as necessary.

15. Adjourn.

Bristol Charter Revision Commission
Per Jon P. FitzGerald, Chairperson
DATED this 30th day of April 2019
Sec. 45. - Police department and board of police commissioners.

(a) The police department shall be under the general supervision of the board of police commissioners which shall consist of five members, one of whom shall be a member of the city council and the mayor who shall be a member of such board, ex officio, and chairperson thereof.

(b) The existing board of police commissioners shall hold office for their respective terms of appointment and until their respective successors shall be appointed.

(c) Within one month after the mayor and the city council elected at a municipal election shall take office, the mayor shall nominate and the city council shall appoint one council member to be a member of such board, for the term of two years, except that no council member shall be a council member of the board after the term of office of said council member shall terminate.

(d) All members of the board except the council member, shall hold office for three years, and no member except one city council member shall hold any other office in such city. Upon the expiration of the term of office of any member, the mayor shall nominate and the city council shall appoint a successor. All appointments shall be made during the month of December, for a period of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto, but the term of office shall be deemed to begin on the first Tuesday of December.

(e) In the event of a vacancy, a successor shall be nominated and appointed in the same manner for the unexpired portion of the term of the office vacated.

(f) Said board of police commissioners, subject to the approval of the city council, shall make rules and regulations for the government of the police department, including the suspension or removal of the members of such department, except as otherwise provided in this charter: a) confer with and advise the chief with respect to the general management of the Police Department; b) review and comment on the budget request of the Police Department prior to its submission.

(g) The city council shall have the power of removal of the chief and captain of the department and other nonbargaining unit members for just cause. Said officers shall not be removed or reduced in grade without having received a written statement, setting forth the reasons for such removal or reduction and having been given an opportunity to appear and be heard before the city council. If desired by the officer removed or reduced, the statement received by the city council, together with their reply thereto, shall be a matter of public record.

(Amend. eff. 11-7-89; Amend. eff. 12-2-10; Amend. eff. 12-8-11)
Sec. 46A. - Police department—Merit system.

(4) The director of personnel shall certify to the board of police commissioners and the chief of police the names of all persons competing for a vacancy who have attained a grade of seventy per cent or higher. The board of police commissioners and the chief of police shall then make an independent evaluation of each candidate for the vacancy. The individual examination scores shall not be disclosed until the board of police commissioners and the chief of police make their individual evaluations of each candidate. The board of police commissioners Chief shall then appoint to the vacancy that person with the highest rating based upon the following factors and weights:

(a) Written examination — 60%
(b) Oral examination — 30%
(c) Seniority (1% for each full year up to 10%) — 10%
(d) Police chief's evaluation — 5%
(e) Board of police commissioners evaluation — 5%

Total — 100%

(9) Appointments to a vacancy for which a valid eligibility list exists shall be made within thirty days. Sixty days prior to expiration of a valid eligibility list, an examination shall be held and the results shall be certified to the Bristol board of police commissioners by the director of personnel no later than sixty days from the date the examination was given. The Bristol Board of Police Commissioners Chief shall make the appointment or appointments for which the examination was given no later than thirty days from the date the results are certified to them. If an open competitive examination is necessary, it shall be held no later than sixty days from the date the results of the first examination are certified. The results of such an open competitive examination shall be certified by the director of personnel no later than sixty days from the date it is given and the Bristol Board of Police Commissioners Chief shall make the appointment no later than thirty days from the date the results are certified by the director of personnel.
Sec. 46A. - Police department—Merit system.

(11)

In lieu of Section 46A(4), 46A(6), 46A(7) and 46A(9) above, the following shall apply to testing for the rank of Captain non-bargaining positions only. All other articles in Section 46A shall apply. Testing for the rank of Captain non-bargaining positions shall only be conducted when a vacancy develops or is anticipated by the director of personnel. The director of personnel (or the Mayor's designee in the absence of the director of personnel) shall certify to the chief of police and board of police commissioners an eligibility list consisting of the names of all eligible candidates in order of their total rating who have attained a grade of seventy per cent or higher on both the written and oral examinations based on the following factors and weights.

a. Written examination ..... 50%

b. Oral examination ..... 50%

Total Rating ..... 100%

The chief of police shall then select any one of the top three candidates and forward the selection to the board of police commissioners. The chief’s selection shall be subject to the approval of and confirmation by the board of police commissioners. If the board of police commissioners does not act on the chief’s selection within thirty days, said selection shall be deemed to be approved and confirmed. If the board rejects the chief’s selection, within thirty days of said rejection, the chief may select from the remaining top two (2) candidates and repeat this process until all of the top three (3) candidates have been exhausted. If there are no successful internal candidates, an open competitive examination not limited to members of the Bristol Police Department, but limited to persons of other police departments who meet the requirements of sub-section (5), shall be held under the supervision of the director of personnel and the internal candidate selection process shall then apply to the candidates for the open competitive examination. Any rejected internal candidates shall not be eligible for the open competitive examination.

An internal eligibility list shall continue in force for two years from the date the list is certified by the director of personnel (or the Mayor's designee in the absence of the director of personnel) or until exhausted. No such internal eligibility list shall be valid for longer than a two-year period. An open competitive examination shall be used to fill a specific vacancy and the results of the examination shall not be used to create an eligibility list for future vacancies.

(Amend. eff. 11-5-75; Amend. eff. 11-9-77; Amend. eff. 11-5-80; Amend. eff. 11-7-89; Amend. eff. 12-4-03; Amend. eff. 12-8-05; Amend. eff. 12-8-11)
Sec. 46B. - Chief of police.

(1) The chief of police shall be the head of the police department and shall be appointed by and subject to the authority of the Board of Police Commissioners after a recruitment process supervised by the Director of Personnel. The appointee shall be chosen from the list of the five (5) highest ratings based on criteria as determined by the Director of Personnel in consultation with the Board of Police Commissioners.

(2) The appointment of the Board of Police Commissioners shall be subject to the approval of and confirmation of the mayor and city council. If the mayor and city council do not act on the nomination within sixty days, said appointment shall be deemed to be approved and confirmed. If the mayor and city council reject said appointment or the candidate refuses the position, the Board of Police Commissioners shall, within thirty days of said rejection or refusal, select from any remaining candidates and continue this process until five (5) candidates have been used. If no candidate is approved by the mayor and city council, a new recruitment process must ensue. Any rejected candidates shall not be eligible to participate in such process.

(3) The chief of police shall be the head of the police department. The director of human resources with the input of the Board of Police Commissioners shall establish the criteria for qualifying candidates for police chief based on certifications required by state laws and regulations. To fill a vacancy or anticipated vacancy in the office of police chief, the director of human resources shall establish a recruitment process compliant with equal opportunity and other applicable laws and create a list of qualified candidates that is referred to the Board of Police Commissioners. After review of the listed candidates’ qualifications, the Board of Police Commissioners shall forward the entire list, with its recommendations, to the mayor. After consideration of any recommendations, the mayor nonetheless may nominate any candidate from the list and the City Council may approve the nomination, subject to any conditions they may require the candidate to meet, including the candidate’s compliance with state certifications and other applicable laws, ordinances, and other sections of this Charter. If the City Council fails to appoint a nominated candidate from the list, the mayor may nominate another listed candidate, provided no candidate may be nominated more than once. If no listed candidate is nominated and approved, the director of human resources shall initiate a new recruitment process, and the review and consideration of candidates on a new list shall commence. Two years must elapse before a candidate from a previously-considered list may appear on a subsequent list unless the vacancy in the office of police chief is caused by his resignation, death, or removal within two years of his appointment.

(3) The appointee shall reside within a town, any part of which falls within a twenty (20) mile radius of police department headquarters of the City of Bristol within six months of appointment and continue such residency for the term of office. The candidate does not have to be a resident of the City of Bristol or a member of the Bristol Police Department to become eligible for this appointment. The candidate shall have an adequate knowledge of the organization and administration of a police department, and shall also have had experience of at least ten years in the management and direction of police personnel in a supervisory capacity. The candidate shall have an appropriate four-year college or university degree. The candidate shall be offered a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council. The award of successive personal employment agreements for the chief of police are at the discretion of the mayor and city council and subject to the approval and confirmation of the mayor and city council. The chief of police shall be responsible for the efficiency, discipline and the good conduct of the department, and for the care and custody of all property used.
by the department. The chief of police shall appoint a dog-warden in accordance with state statutes.
The chief of police shall be responsible for the assignment of all members of the department, including a dog-warden, to their respective posts, shifts, details and duties. The chief shall make rules and regulations for the government of the police department, subject to the approval of the board of police commissioners. Disobedience by any member of the police department of the lawful orders, rules and regulations of the chief of police or of the said police commissioners shall be grounds for dismissal or other appropriate disciplinary action by said commissioners. The person in office as chief of police on the effective date of this amendment shall enter into a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council.

(4) — Before any candidate not a member of the Bristol Police Department is appointed in accordance with this charter, the candidate shall be examined by a physician in general practice in the City of Bristol designated by the director of personnel and if such examining physician finds no physical or mental impairment, illness or condition that would prevent the candidate from effectively discharging the duties of the position to which the candidate is about to be appointed, the examining physician shall so certify to the director of personnel. If the examining physician does not so certify after the examination, the candidate shall not be appointed.

(5) — The police commission shall have a complete background investigation conducted prior to presentation of the recommended candidate to the mayor and city council.