



City of Bristol
Bristol, Connecticut

DRAFT REPORT 2019 CHARTER REVISION COMMISSION

The Charter Revision Commission (Commission) convened on February 19, 2019. The members, duly appointed and sworn, are as follows (the duly elected officers are noted):

Jon P. FitzGerald, Chair
Jonathan C. Mace, Vice chair
Michele Ann Roalf, Secretary
Harold D. Kilby
John M. Krampitz
Isaiah J. Miller
Laurie A. Scotti

The Commission also met on March 5, 2019; March 26, 2019; April 16, 2019; May 7, 2019; and May 29, 2019.

Public hearings, as required by state statute, were held on March 5, 2019 and May 29, 2019. The Commission also invited audience participation at its other meetings.

The commissioners extend our appreciation to Attorney Dale Clift and the corporation counsel's office for their guidance, research and support and to Christine Cooper for her assistance as recording secretary.

Schedule A

Technical changes are recommended for sections 2, 12A, 16, 19, 38, 39A and 42. These changes include adding subsection designations that were missing in sections 12A and 39A, replacing "personnel director" and "director of personnel" with "director of human resources" to conform with the 2018 charter revision to Section 54,

and deleting a sentence from the duties of the Registrars of Voters in Section 19 (a) as it is included in their statutory duties referenced in Section 19 (b).

Schedule B

At the suggestion of the chief building official, it is recommended that Section 44A be revised to eliminate from the job description of building official and the building official's designees the duties of serving as clerk of the zoning commission, clerk of the zoning board and zoning enforcement officer.

According to the chief building officer, removal of these duties "would allow a re-organization of the duties of the building official which would more closely reflect those of the building official in most other municipalities. It would also allow for the duties of the zoning enforcement officer be paired to the assistant city planner (if you choose) as what is occurring in most other municipalities. The 'clerk' of the zoning commission and zoning board of appeals should be the City Planner or their designee, as they prepare the agendas by facilitating applications of land use proposals and attend each meeting which the building official does not."

According to the mayor, she, the chief building officer, the director of public works and the director of human resources have met "to determine the most efficient place for the ZEO" and "agreed that it may be more efficient to have this position under the City Planner, where they could work together in the interpretation and enforcement of the City's zoning regulations."

Schedule C

At the suggestion of the city treasurer, it is recommended that sections 12 and 18 be revised to make that position appointed rather than elected to ensure that the office holder has the financial qualifications for the position. In Section 12, the position is removed from the list of elected officials and in Section 18 an appointment process is provided. In addition, technical changes are recommended to Section 12 (e) for gender neutrality and to Section 18 (c) to replace "personnel director" with "director of human resources" to conform with the 2018 charter revision to Section 54.

Schedules D, E and F

At the suggestions of the mayor and chief of police, revisions are recommended to sections 45, 46A and 46B regarding the police department, the board of police commissioners and the chief of police. The mayor and chief of police expressed that

these changes would remove conflicts with current policy and procedures, put the department more in line with best practices, eliminate language that conflicts with the collective bargaining agreement, and clarify the board of police commissioners as a policy and advisory board.

Schedule D proposes revisions to Section 45 (police department and board of police commissioners) that would clarify the role of the board of police commissioners as a policy and advisory board by removing connotations that the board is running the police department and to clarify that the removal of the chief of police and other non-bargaining unit members is for just cause.

Schedule E proposes revisions to Section 46A (police department, merit system) that would remove the board of police commissioners from the promotional process. Likewise, the factors and weights hiring criteria would also be removed. Also, “the rank of captain” would be replaced with “non-bargaining positions” to allow for the establishment of other positions such as deputy chief. Technical changes are recommended to replace “director of personnel” with “director of human resources” and “chief” with “chief of police”.

Schedule F proposes revisions to Section 46B that would reduce the role of the board of police commissioners in the hiring process for chief of police. The current requirements for the chief of police regarding residency, experience, education and job duties would also be removed from the charter.

SCHEDULE G

In 2018, the charter was amended by adding a Section 48A which designated the water department in lieu of the public works department as the department to maintain sanitary sewers and sewage treatment facilities. It was felt by the mayor, comptroller and superintendent of the water department that the section needed to be amended again to clarify and remove ambiguities regarding operational responsibilities and fiscal oversight.

Respectfully submitted,

The 2019 Charter Revision Commission

By _____
Jon P. FitzGerald, Chair
Bold underline - proposed additions

[bold brackets] – proposed deletions

SCHEDULE A – TECHNICAL REVISIONS

Sec. 2. - Construction of the charter.

(a) - (b) no change.

(c) In the construction of this charter, the terms personnel director and director of personnel mean director of human resources.

Sec. 12A. - Limits on successive terms for mayor and city council.

- (a)** No person who has been elected after the effective date of this section to the office of mayor for four successive two-year terms shall be eligible to run for election to the office of mayor until at least one term has elapsed. Provided, any person elected or appointed to the office of mayor to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to the office of mayor to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for election to the office of mayor for any term or terms that are not successive.
- (b)** No person who has been elected after the effective date of this section to the city council in any district for four successive two-year terms shall be eligible to run for election to the city council or to be appointed to serve on the city council in any council district for any additional successive term until at least one term has elapsed. Provided, any person elected or appointed to serve on the city council to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to serve on the city council to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for any term or terms that are not successive.
- (c)** This section does not disqualify a person who has served for successive terms as mayor pursuant to subsection (a) from being elected or appointed to any other elective or appointive office.
- (d)** This section does not disqualify a person who has served for successive terms as a city council member pursuant to subsection (b) from being elected or appointed to any other elective or appointive office.

Sec. 16. - The mayor; powers and duties.

(a) - (f): no change

(g) For the purpose of Section 16 the definition of unable to perform the duties of the office shall mean:

(1) Court ordered finding;

(2) Any time the mayor is admitted to an acute medical care facility, unless or until the treating physician for the admitted elected official provides certification, in writing to the **[personnel director] director of human resources** who shall notify the town clerk, that the official is able to perform the duties of the office; or

(3) Any time the mayor shall undergo a medical procedure which shall require the administration of sedation or general anesthesia, unless or until the treating physician for the elected official provides certification, in writing to the **[personnel director] director of human resources** who shall notify the town clerk, that the official is able to perform the duties of the office.

(h): no change

Sec. 19. - Registrars of voters.

(a) The registrars of voters shall enter the names of the qualified electors on the official lists by the street and number of the house, when the houses are numbered, and not alphabetically, so that there shall be entered on the list, first, the street, avenue, road or alley; second, the number of the house or residence in numerical order; and third, the resident electors in such house or residence in alphabetical order, and those electors, if any, who cannot be so registered, shall be registered alphabetically. **[They shall maintain an alphabetical list of voters in the office of the town clerk.]** They shall appoint deputy registrars of voters and may appoint assistant registrars of voters as provided in section 9-192 of the general statutes. The City of Bristol shall provide office space and clerical assistants for said registrars of voters. The salaries and expenses of said registrars of voters and deputy registrars of voters shall be paid from the general fund of said town.

(b) The registrars of voters shall have the powers, duties and responsibilities conferred upon them by state statutes.

Sec. 38. - Board of library directors.

(a) – (d): no change.

(e) Said board shall make a full report of its expenditures and of the administration of all properties and trust in its control, to the city council and the board of finance. The board of library directors shall recommend from a list of candidates, qualified by the **[personnel director] director of human resources**, a librarian and other employees of the public library to the city council for approval.

Sec. 39A. - Limits on successive terms for board of education commissioners.

(a) No person who has been elected after the effective date of this section to the board of education for two successive four-year terms shall be eligible to run for election for the board of education until at least one term has elapsed. Provided, any person elected or appointed to the board of education to fill an unexpired term of two years or less shall be eligible to serve two successive four-year terms. Any person elected or appointed to the board of education to fill an unexpired term of more than two years shall only be eligible to serve one four-year term. This does not disqualify a person from running for election to the board of education for any term or terms that are not successive.

(b) This section does not disqualify a person who has served successive terms on the board of education pursuant to subsection (a) from being elected or appointed to any other elective or appointive office.

Sec. 42. - Fire department, regulation of promotion.

(a) no change

(b) When a vacancy develops or is anticipated by the **[director of personnel] director of human resources** in any promotional rank or classification in the Bristol Fire Department, or when any new promotion position is created in the Bristol Fire Department and a valid and appropriate eligibility list is not in existence, the board of fire commissioners shall, within sixty days of the date on which the vacancy is created, order that an examination be held for such position. Each examination shall be publicly announced and a period of not less than two weeks from the date of such announcement shall be allowed during which candidates may file application for such examination. Public announcement will be considered to have been given when notice of such examination containing the closing date for filing applications has been posted in all the fire houses in the Bristol Fire Department. The board of fire commissioners will make available to each interested candidate a copy of an official announcement which shall

contain the required qualifications for the position in terms of experience, aptitude, training and such other qualifications, or conditions, which may be necessary or desirable.

(c) All examinations both written and oral held pursuant to this act shall be conducted under the supervision of the **[director of personnel] director of human resources**. Such examinations shall be provided and administered under the merit system practices and principles. No question in any test shall relate to religious or political opinions or affiliations. The purpose of such written and oral examinations is to establish an eligibility list for such classification from which appointments shall be made based on the following factors and weights:

Written exam 50%

Oral exam 25%

Credit for Service 25%

100%

(d) All candidates must first take a written exam, which shall be based on fire department material taken from current reference sources. Prior to the exam, each applicant shall upon request, be provided by **[director of personnel] director of human resources**, with a bibliography of the sources used in preparing the test. Following the exam, **[director of personnel] director of human resources** shall, upon the request of a candidate, arrange with the testing agency to make test questions and answer sheets of such candidate available for the candidate's inspection. Only those candidates who have attained a mark of seventy percent or better on the written exam shall be allowed to take the oral examination. Credit for service in the employ of the Bristol Fire Department as regular members will be determined by adding one percent for each year of service completed on or before the last date for filing applications to a fixed norm of seventy percent up to a maximum of thirty years.

(e) After grading the written and oral examinations and certifying the seniority of each applicant, the **[director of personnel] director of human resources** (or the Mayor's designee in the absence of the **[director of personnel] director of human resources**) shall submit to the board of fire commissioners a list of the candidates arranged in the order as determined by applying the percentages described above, and such list shall be considered an eligibility list for such classification. From such list, the board of fire commissioners shall make the promotion within the department by selecting the number one ranking candidate of the five highest ranking candidates on such list. The remaining four names shall constitute the eligibility list for promotion within the department for a period of one year in the case of promotion to chief, and for a period of two years in all other cases. Such period of time is to commence on the date the list is transmitted by the **[director of personnel] director of human resources** (or the Mayor's designee in the absence of the **[director of personnel] director of human resources**) to the board of fire commissioners. The candidates shall be promoted in order of rank on the eligibility list. If a tie should occur, the candidate with the highest seniority shall be appointed.

(f) – (i) no change.

(j) Notwithstanding section 42(a), if in any examination for the position of fire chief, there are no successful internal candidates, an open competitive examination, not limited to members of the Bristol Fire Department who meet the requirements for the position of fire chief shall be held under the supervision of the **[director of personnel] director of human resources**. Such open examination shall be used only to fill a specific vacancy, and the results of the examination shall not be used to create an eligibility list for future vacancies. The **[director of personnel] director of human resources** shall arrange for a written and oral examination. The board of fire commissioners shall select an appointee from the list of the five (5) highest ranking candidates based on the following factors and weights:

a. Written examination 50%

b. Oral examination 50%

Total 100%

No appointee shall be chosen by the board of fire commissioners without having achieved a passing score of seventy per cent or higher on both the written and oral examinations. The appointment process as outlined in Section 42(i) shall apply. In the event the city council rejects all candidates, a new open competitive examination shall be held.

SCHEDULE B

Sec. 44A. - Building department.

The building department shall be under the supervision and direction of the building official who shall be appointed and hold office in the manner prescribed by the General Statutes and shall qualify and be certified as a building official by the State of Connecticut. **[The building official or the building official's designees shall be the clerk agents of the zoning commission and the zoning board of appeals. The building official shall be the chief zoning enforcement officer of the zoning commission.]** The building official shall be responsible to the mayor. Assistant building officials shall be appointed in the same manner as the building official and shall serve as inspectors of the various building trades in which their qualifications are certified as provided in the Connecticut General Statutes. Each shall be licensed at journeyman level or higher, and where licensing in a trade is not required, each shall have at least five (5) years' experience at journeyman level or higher in that trade. They shall perform the duties assigned to each by the building official.

SCHEDULE C

Sec. 12. - City officers; elective.

(a) The general officers of said City of Bristol, to be elected by the electors thereof shall be a mayor, six council members[, a treasurer] and a board of assessment appeals of three members. All of such officers shall be elected at each municipal election for a term of two years from the first Monday following their election and until their successors are elected and have qualified. Each elector shall be entitled to cast one vote for mayor, [one vote for treasurer,] two votes for the candidates of their choice for city council of the council district wherein the elector resides, and two votes for members of the board of assessment appeals of said city.

(b) No political parties shall nominate more than two residents of each council district as candidates for the city council. The two candidates from each council district receiving the highest number of votes shall be declared elected to the city council.

(c) No political party shall nominate more than two candidates for the board of assessment appeals of the city and the three candidates receiving the highest number of votes for the board of assessment appeals shall be declared elected.

(d) No person shall be qualified to be a candidate for any elective municipal office in the City of Bristol unless such person shall be an elector of said city.

(e) Any official elected on or after November 7, 2017, who ceases to be a resident and elector of the City of Bristol, or in the case of a council member who ceases to be a resident and elector of the council district from which [he or she] the council member was elected, shall thereupon cease to hold such elective office and the elective office shall be vacant. Vacancies shall be filled in accordance with the provisions of Section 14 or Section 39 as may be applicable.

Sec. 18. - The treasurer.

(a) The city treasurer shall be, ex officio, treasurer of the police and firemen's benefit fund and all powers and duties vested by law in the town treasurer shall be powers and duties of the city treasurer. The treasurer shall have the custody and disbursement of all funds belonging to the city, except as otherwise provided by this charter, and the treasurer shall keep an accurate record of all moneys received and disbursed.

(b) The treasurer shall give bond for the faithful performance of the treasurer's duty as such treasurer to the acceptance of the board of finance in such amount as such board shall, from time to time, determine.

(c) Whenever a vacancy in the position of the deputy treasurer shall exist, the treasurer shall recommend a candidate qualified by the [personnel director] director of human resources to

serve as deputy treasurer, a permanent staff position, with the consent and approval of the city council, who, in the treasurer's absence or inability to perform the treasurer's duties, shall perform all of the duties of the treasurer and shall give bond for the faithful performance of duty in the same manner as the treasurer.

(d) The treasurer in office at the time of the effective date of this amendment shall remain in office for the balance of the treasurer's term. Thereafter, the treasurer shall be nominated by the mayor from a list of candidates qualified by the director of human resources and appointed by the city council for a term of four years. The qualifications of the treasurer shall be established by ordinance.

SCHEDULE D

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] The board of police commissioners** shall consist of six members, one of whom shall be a member of the city council and **five of whom shall be electors of the city.** **[the mayor who shall be] The mayor shall serve as** a member of such board, ex officio, and **be the** 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 of police 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 **of police [and captain of the department]** and other nonbargaining unit members **for just cause in accordance with Connecticut General Statutes.** 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.

SCHEDULE E

Sec. 46A. - Police department—Merit system.

(1) All promotions within the police department of the City of Bristol shall be made as the direct result of examinations conducted under the supervision of the **[director of personnel] director of human resources** of the City of Bristol. This shall apply to every promotion up to and including the office of the chief of police, but shall not apply to the appointment of police officers to the regular police force. All tests shall be in conformance with existing working agreements.

(2) The **[director of personnel] director of human resources** shall provide and supervise the examinations and certify the results thereof to the Bristol Board of Police Commissioners. Said board of police commissioners shall make all necessary arrangements with the **[director of personnel] director of human resources** in order to cause such examination to be conducted.

(3) Such examination shall be both written and oral, provided no candidate for appointment shall be given the oral examination unless and until such candidate has attained a minimum grade of seventy per cent on the written examination. The examination shall be conducted with reference to the specific position or positions to be filled, and shall be designed to determine fairly the capacity of the persons competing to perform the police duties of the position to which promotions are to be made. The written examination shall be obtained from a recognized testing authority in the law enforcement field. The oral examination shall be conducted by non-Bristol residents from the Police Chief Association or other similar professional personnel in the law enforcement field.

(4) The **[director of personnel] director of human resources** 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 individual evaluations] makes an individual evaluation** of each candidate. The **[board of police commissioners] chief of police** 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 20%**
- (c) **Seniority (½% for each full year up to 10%) 10%**
- (d) **Police chief's evaluation 5%**

(e) Board of police commissioners evaluation 5%

Total 100%]

(5) Regular members of the Bristol Police Department with five or more years seniority as of the date the examination is to be held shall be deemed eligible to take the examination for the rank of sergeant. In order to be eligible to take the examination for lieutenant and captain, members of the Bristol Police Department must hold the rank of sergeant and lieutenant, respectively, for a period of at least one year.

(6) When an examination has been given and more than one person attains the grade of seventy percent or higher, such persons attaining the grade of seventy percent or higher shall be rated by the board of police commissioners in accordance with Section 46A(4) and be placed on an eligibility list in order of their rating. This eligibility list shall continue in force for two years from the date the list is certified by the **[director of personnel] director of human resources**, and any further vacancies in positions equal to that for which the specific examination was given shall be filled by appointing the person with the next highest ranking on this eligibility list. No such eligibility list shall be valid for longer than a two-year period, and new examinations shall be held at more frequent intervals if a vacancy occurs and the eligibility list for that position is exhausted.

(7) If in any examination no person obtains the grade of seventy percent, 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] director of human resources** and the highest ranking person shall be certified to the board of police commissioners in accordance with the standards set forth in Section 46A(4). Such open examination shall be used only to fill a specific vacancy, and the results of the examination shall not be used to create an eligibility list for future vacancies.

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

(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] director of human resources** no later than sixty days from the date the examination was given. The **[Bristol Board of Police Commissioners] chief of police** 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] director of human resources** no later than sixty days from the date it is given and the **[Bristol Board of Police Commissioners] chief of police** shall make the appointment no later than thirty days from the date the results are certified by the **[director of personnel] director of human resources**.

(10) At least two weeks' notice of each examination shall be given by posting on the police department bulletin board. The results of all examinations shall be a matter of public record and shall be posted on the police department bulletin board.

(11) In lieu of Section 46A(4), 46A(6), **[46A(7) and 46A(9) above] 46A(7), 46A(9) and 46B**, the following shall apply to testing for **[the rank of Captain only] non-bargaining positions** . 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 **[director of personnel] director of human resources**. The **[director of personnel] director of human resources** (or the Mayor's designee in the absence of the **[director of personnel] director of human resources**) 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] chief of police'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] chief of police's** selection within thirty days, said selection shall be deemed to be approved and confirmed. If the board rejects the **[chief's] chief of police's** selection, within thirty days of said rejection, the **[chief] chief of police** 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] director of human resources** 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] director of human resources** (or the Mayor's designee in the absence of the **[director of personnel] director of human resources**) 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.

SCHEDULE F

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 the 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 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.]

(1) 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 chief of police based on certifications required by state laws and regulations. To fill a vacancy or anticipated vacancy in the office of chief of police 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 commissions shall forward the entire list, with its recommendations, to the mayor. After consideration of any recommendations, the mayor nonetheless may nominate any candidates 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 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 chief of police is caused by his resignation, death or removal within two years of his appointment.

(2) 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.

SCHEDULE G

[Sec. 48A. - Water department—Sewage treatment.

(a) The water department shall maintain sanitary sewers and sewage treatment facilities and lay, maintain, and repair pipes and conduits, apparatus and appliances in any highway or highways and upon public and private places and grounds that may be incident to the treatment and disposal of sewage. The water superintendent shall administer the operation, management and maintenance of the system for the treatment and disposal of sewage.

(b) The water department shall bill and collect the assessment and sewer usage fees in accordance with the City Code of Ordinances.

(c) All funds collected by the water department for sewage treatment or resulting from the sale of sewage waste product, property or equipment generated by or used in the treatment of sewage and of any interest thereon shall be reserved for the use of the water department in its normal operations in the treatment of sewage and shall not become a part of the general fund of the City of Bristol.]

Sec 48A.- Sewer department

(a) The City of Bristol, in accordance with the enumerated powers of this charter and the general statutes of the State of Connecticut, is empowered to construct, establish and maintain a water pollution control plant or plants for the purpose of providing the city with sanitary sewers and sewage treatment of pollutants. It shall lay, maintain and repair pipes and conduits in any highway or highways and upon public and private places and grounds that may be incident to the treatment and disposal of sewage and pollutants.

(b) The sewer commission shall be comprised of the board of water commissioners, which is entrusted with the general supervision of water pollution control, subject to the charter and ordinances of the City of Bristol.

- (c) The superintendent of the water department shall also be the superintendent of the sewer department and, under the direction of the board of water commissioners acting as the sewer commission, shall administer the operation, management and maintenance of the plant(s) and system for water pollution control. The mayor and/or board of water commissioners acting in its capacity as the sewer commission, shall have the authority and duty to formally reprimand the superintendent of the sewer department for general or any specific acts of mismanagement or violations of the personnel procedures of the city and which findings may be referred to the city council for further disciplinary action.**
- (d) The hiring and discharging of all other personnel performing water pollution control functions shall be under the direction of the director of human resources, in accordance with the provision of section fifty-four of the city charter.**
- (e) At the same time the board of water commissioners presents its monthly reports of the financial status and doing of the water department as required in section 48 of the charter, the said board, in its capacity as the sewer commission, shall present monthly reports of the financial status and doings as they pertain to water pollution control. These reports shall be available to the board of finance and the city council no later than the fifth working day of the following month. Annually, as of the thirtieth day of June in each year, it shall render to the city council and the board of finance an annual report in as much detail as required by the mayor and city council, of its doings and of the business and finance of the water pollution control plant(s), and shall at any time when required by the city council, the mayor or the board of finance, make to the city council and said board of finance a statement of its doings and of the business, receipts, disbursements, balances and indebtedness of the sewer department.**
- (f) All funds collected by the sewer department for the provision of sewage disposal services and connections to the sanitary sewage system shall be reserved for the use of the sewer commission as water pollution control special revenue funds. The duty of keeping of accounts, custody of money received for sewer use and connection fees or otherwise, the collection of bills and the payment of bills incurred in the operation of the sanitary sewage system and the sewer department shall be entrusted to the sewer commission and shall be executed with the assistance of and in coordination with the city comptroller.**

- (g) The procedures for negotiations and awarding of all contracts, the purchase of supplies and the disposal of materials or supplies declared to be surplus for water pollution control purposes shall be entrusted to the board of water commissioners acting in its capacity as the sewer commission. This authority shall be exercised in accordance with the purchasing manual of the City of Bristol and in coordination with and with the assistance of the city comptroller and city purchasing department.**
- (h) The duty of keeping accounts, custody of money received for the provision of sewage disposal services and for connections to the sanitary sewer system shall be entrusted to the board of water commissioners acting in its capacity as the sewer commission and shall be executed in coordination with and the assistance of the city comptroller. The accounts shall be closed on the last day of June in each year, and a report from said commission, showing the receipts and disbursements of said water pollution control plant(s) up to and including the last day of June in each year, shall be part of the board of water commissioners' report to the city council made in July of each year. Such report shall also include a list of the salaried officers employed in said water pollution control operations and the amount of salary paid to each, and shall be accompanied by a statement, signed and sworn to by the superintendent, of the income and expenses of said business and all the indebtedness of the city properly chargeable to said water pollution control plant(s) operation.**
- (i) In February of each year, the board of water commissioners, acting in its capacity as the sewer commission, shall present a detailed budget to the board of finance in accordance with the city's budget requirements. The board of finance may make changes to any budgetary items pertaining to water pollution control.**
- (j) Each October, the board of water commissioners, acting in its capacity as the sewer commission, shall review the last fiscal year's income and expenditures, long and short term debts, proposed additions and improvements to the water pollution control plant(s) along with any pertinent factors. No change in sewer rates and connection charges shall take effect until the proposed new rates and charges shall have been advertised at least once, one month prior to the proposed effective date of any sewer rate and connection fee increase in a newspaper having a general circulation in said City of Bristol. A public hearing on proposed sewer rates and connection charges will be called by the board of water**

commissioners acting in its capacity as the sewer commission, and all facts and figures necessary to prove need for any increase will be presented to the public at this hearing. If the increase is approved by the board, it will be implemented on the following July 1. In determining the rates and charges for sewage disposal and connections, the board of water commissioners, acting in its capacity as the sewer commission, may take into consideration the debt service attributable to the water pollution plant(s) and system, the depreciation thereof, and the requirements of any sinking fund which may be established to meet the city bonds and other obligations issued for water pollution control purposes, as they mature; but the connections and services used by the city for municipal purposes shall be supplied to it at no cost.

(k) The board of water commissioners, acting in its capacity as the sewer commission, shall adopt regulations:

- (1) For the use and protection of the water pollution control plant(s), its system of conduits and pipes, and all related equipment and facilities;
- (2) To control the use and operation of the water pollution control plant(s) and system;
- (3) To prevent accidents and promote safety among its employees;
- (4) For the management, safeguarding, landscaping and maintenance of the sewer department properties;
- (5) For governing the provision of sewage disposal services and connections to the city's water pollution control facilities, and for all matters connected therewith; and
- (6) For providing penalties for default in payment of sewer fees and connection charges, which penalties shall be in addition to the sewer usage fees and connection charges and shall be collectible as a part thereof.

(l) The city council is authorized to impose, by means of suitable ordinances, fines or penalties or both for the violation of any regulations adopted by the board of water commissioners, acting in its capacity as the sewer commission, which penalties may be collected by the city in a civil action based upon such ordinance and which fines shall be enforced by criminal process in the superior court of the State of Connecticut.