

CHARTER
OF THE
CITY OF HARTFORD



Report and Proposed Revisions

May 2022

Charter Revision Commission 2021-2022

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NOTE ON THIS AMENDED CHARTER

The Charter of the City of Hartford, incorporating amendments approved by the ~~electors~~Electors of Hartford at the regular election of November 5, 2002, follows. The various effective dates of the amendments may be found in Chapter XIII, "Miscellaneous and Transition Provisions," and at Chapter IX, "Board of Education and Department of Education."

The amendments and revisions incorporated below are based on the final report of the Hartford Charter Revision Commission dated June 11, 2002. The final report recommended amendments to the City of Hartford Charter in the form of a proposed revised Charter. By ~~resolution~~Resolution of June 24, 2002, the ~~court~~Court of ~~common council~~Common Council approved provisions of the final report, and placed them before the ~~electorate~~Electorate at the November 5, 2002 election, "...except for the change to the composition and numbers of the Court of Common Council in Chapter III, Section 5...."

The ~~council~~Council-approved provisions of the final report were approved by the ~~electorate~~Electorate at the November 5, 2002 election. The provisions of the final report relating to the composition and numbers of the ~~court~~Court of ~~common council~~Common Council were not before the voters, and those provisions are unchanged in this revised Charter. Since the ~~council~~Council will have nine (9) members, rather than the eleven (11) members proposed in the final report, the provisions of the final report that specified a particular number of ~~council~~Council votes as being necessary have been adjusted.

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PREAMBLE

We, the people of Hartford, Connecticut, desirous of achieving a more perfect state of civil society, grateful for the liberty we enjoy as a matter of right, and fully cognizant of our duties as free men and women, hereby adopt this Charter for the more efficient, efficacious and equitable transaction of our public business.

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CRC 16 MAY 2022

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CHAPTER I. - INCORPORATION AND BOUNDARIES

Sec. 1. - Incorporation¹.

The inhabitants of the State of Connecticut, dwelling within the territorial limits of the City of Hartford (~~the "City"~~) as the same now are or may hereafter be, shall continue forever hereafter to be a body politic and corporate by the name of the "City of Hartford"; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, and of purchasing, holding, managing and conveying any estate real or personal; and may have a common seal and change and alter the same at pleasure. By virtue of this Charter said ~~city~~City shall be absolutely vested with, possess and enjoy all lands, tenements, hereditaments, property and rights, choses in action and estates, which at the effective date of this Charter were vested in said ~~city~~City.

Sec. 2. - Boundaries².

The territorial limits of the body politic and corporate existing under the name of the City of Hartford are those set forth in Special Laws 1947, Act No. 30, Chapter I, §2; Ord. No. 28-67, 11-7-67; Sp. Laws 1971, Act No. 106 and are hereby reaffirmed by the City of Hartford.

Sec. 3. - Title³.

The title of this Act shall be the "Charter of the City of Hartford."

Sec. 4. – Definitions and Title Generally.

A. "Board" or "Commission⁴". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" shall include all boards, agencies, commissions, authorities or like entities of the City, whether elected or appointed.

B. "Capital Expenditures⁵" means expenditures for (1) any physical betterment or improvement or any preliminary studies or surveys relative thereto; (2) the acquisition of real property or other property of a permanent nature; (3) the purchase or acquisition of equipment for any public betterment or improvement; (4) major alterations and repairs to existing buildings, structures or equipment; or (5) any lease which commits the City to

¹ Election of 11-5-02

² Election of 11-5-02

³ NEW (2022)

⁴ NEW (2022).

⁵ NEW (2022).

more than one year of aggregate payments as shall be approved by the Common Council

C. “Charter⁶” shall mean the Charter of the City of Hartford.

D. “City” means the City of Hartford.

E. “Classified Service⁷” means the employees of the City, covered by the merit system of the City (including Civil Service Regulations, including all applicable rules) appointed to all positions now or hereafter created except those positions excluded by this Charter (or collective bargaining agreement), Elected Officials or other Officials whose appointments and terms are prescribed by the General Statutes, and such other positions as the Civil Service Commission may determine, after investigation, to be within an area intended for exclusion from the Classified Service.

F. “Court of Common Council” or “Council⁸” means the legislative body of the City, as required by the General Statutes.

G. “Day(s)⁹” means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the City is closed for business, the deadline shall be extended through the close of the next City business day; unless otherwise required by law.

H. “Department¹⁰” means any major functional or administrative division of the City, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the City. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term “Department” shall apply exclusively to the functional division referred to in that section.

I. “Department Head¹¹” means an employee who heads any Department in the City; has substantial supervisory control of a permanent nature over other municipal employees; and, is directly accountable to the Mayor.

J. “Elective Offices” means an individual who holds an elected municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the City. The Elective Offices of the City are set forth in section 4(b) of Chapter III and sections 1 and 2 of Chapter IX of this Charter.

⁶ NEW (2022)

⁷ NEW (2022).

⁸ NEW (2022) Required by C.G.S. §7-193(a)(1)(C).

⁹ NEW (2022).

¹⁰ NEW (2022).

¹¹ NEW (2022).

K. "Elector¹²" shall have the meaning contained in the General Statutes.

L. "Final Action¹³" means the last acts taken by the Mayor or the Council on an Ordinance or other measure that requires mayoral and legislative action under the provisions of this Charter

M. "General Statutes" shall mean the General Statutes of the State of Connecticut, as amended from time to time; also referred to as "C.G.S."

N. "Law" includes, but is not limited to, decisions of courts and administrative bodies (or any agreements sanction by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

O. "Majority Vote of the Council¹⁴" means more than half of the votes have been cast by the members at a Meeting of the Council at which a quorum is present.

P. "Mayor" shall mean the chief executive officer of the municipality, as required by the General Statutes¹⁵. Where in this Charter or the Ordinances thereunder, reference is made to "Mayor or designee," the identity of the designee shall at all times be determined, in the sole discretion, of the Mayor.

Q. "Meeting¹⁶" or "Public Meeting" shall have the meaning set forth in C.G.S. §1-200(2), including Meetings by means of electronic equipment, as may be amended from time to time

R. "Meeting (or Hearing) Notice¹⁷" means a notice posted as required by the General Statutes, including posting of regular Meetings with the Office of the Secretary of the State and the City Clerk, as well the requirement pertaining to special and emergency Meetings as well as public hearings, in the same manner as set forth in section 4.V of this Charter, below. In addition to the above-referenced postings, the City may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a daily newspaper of general circulation distributed in the City. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

¹² C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town".

¹³ NEW (2022).

¹⁴ NEW (2022).

¹⁵ Required by C.G.S. § 7-193(a)(2)(C).

¹⁶ NEW (2022).

¹⁷ NEW (2022).

S. “Official” or “Public Official” means an individual who holds an elected or appointed municipal office in the City; including but not limited to Elected Officials of the City; employees appointed subject to Chapter VIII, section 2 of this Charter; and, members of Boards and Commissions. “Appointed Public Officials” shall include all Public Officials to the exclusion of those who hold Elective Offices in the City. When the term “officer” is used, it shall be synonymous with the term “Official”.

T. “Order” or “Motion¹⁸” means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed contracts or other matters upon which are conferred temporary power or authority which, when its purpose has been accomplished, it ceases to require further authority. Orders and Motions shall be enacted in accordance with the provisions of this Charter. Other Public Officials may enter “Orders” in accordance with the authority set forth under the General Statutes, this Charter or Ordinance enacted thereunder.

U. “Ordinances” or “Ordinances of the City” or “Municipal Code” shall mean the powers of the City to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

V. “Public Notice¹⁹” means a notice for matters other than public Meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. It specifically includes matters where “publication” was required under the prior Charter or the General Statutes. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice may be posted (1) in the Office of the City Clerk and other public space or location in the City Hall designated by the City Clerk in order to assure sufficient disclosure to and access by the public; (2) in the central City Library (and each branch of the City Library); (3) on the City web-site or through other electronic media by the City Clerk; and, (4) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the City.

W. “Regulation²⁰” means a statement of general applicability approved by a Department or Board or Commission (and the Council where specifically set forth herein), without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any such Department, Board or Commission or the Laws under which they operate. The term includes the amendment or repeal of a prior Regulation, but does not include (A) statements concerning only the internal management of any Department and not affecting

¹⁸ NEW (2022).

¹⁹ NEW (2022).

²⁰ NEW (2022). Derived from C.G.S. §4-166(16).

private rights or procedures available to the public; or (C) intra-Departmental or inter-Departmental.

X. “Resolution²¹” means an action by the Legislative Council that (1) expresses the sentiment or intent of the Council; (2) governs the business of the Council; (3) expresses recognition by the Council; or, (4) complies with the specific requirements of the General Statutes with regard to certain legislative enactments. A declaratory statement of the Council on a given matter.

Y. “Special Acts” or “Special Laws” shall mean the acts of the General Assembly pertinent to the City.

Z. “State” or “Connecticut” shall mean the State of Connecticut.

AA. “State Constitution” shall mean the Constitution of the State of Connecticut.

BB. “Vacancy²²” or, in the alternative, the use of the word “Vacant” means whenever any Official of the City, including Registrars of Voters, is unable to complete the current term of office due to death, resignation, removal, incapacity or other reason as may be defined by Ordinance.

CC. Where reference is made to the word “shall” the legislative intention is to make the function a mandatory or imperative obligation for the Official or entity charged with an obligation under this Charter or under the Code of Ordinances. It is recommended that to avoid any doubt the word “must” should be used in order to impose clarity on the concept of obligation²³.

²¹ NEW (2022).

²² Modification of 1983 Charter section 5-4 (first clause of first sentence), by applying the standard to all elected office and by adding “...resignation, removal or other reason as may be defined by Ordinance”.

²³ NEW (2021)

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CHAPTER II. - POWERS OF THE CITY

Sec. 1. - General grant of powers²⁴.

The City of Hartford shall have not only all the powers specifically granted by this Charter but all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the ~~city~~City, the exercise of which is not expressly forbidden by the ~~constitution~~State Constitution and General Statutes ~~of the State of Connecticut ("General Statutes")~~.²⁵ The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as in addition thereto.

Sec. 2. - Further grant of powers²⁶.

In addition to all powers specifically granted by this Charter, the ~~city~~City shall have all powers now granted or that may hereafter be granted to municipalities under the State Constitution and ~~laws~~Laws of Connecticut²⁷.

Sec. 3. - ~~Benefit assessments~~²⁸.

~~Subject to the provisions of this Charter, the city shall have power to defray the whole or any part of the cost of any public work or improvement by the assessment of benefits on the owners of real estate, including the State of Connecticut, specially benefited by such work or improvement, whether or not such real estate abuts upon such work or improvement, and to enforce and collect such assessments as a personal liability of the owner or directly as a lien on the lands benefited; provided the owner of any property damaged by such improvement shall be entitled to receive from the city the actual amount of such damage apart from any benefits on account of such work or improvement, and the amount of benefits assessed shall be set off against the amount appraised as damages or vice versa as the case may be. The city shall provide by ordinance for the extension of time for, and the manner of payment of, all such assessments and may issue and dispose of assessment certificates covering the amounts of any extended assessments. Nothing in this section shall apply to the mere repairing or reconstructing of any existing work or improvement once completed.~~

Sec. 4. - Liens for work performed by the ~~city~~City²⁹.

²⁴ ~~Election~~2022 recodification of Sec. 4 derived from election of 11-5-02

²⁵ **Counsel note: This sentence is contrary to the meaning of the Home Rule Act**

²⁶ Election of 11-5-02

²⁷ ~~Repeal of Current Sec. 3 entitled "Benefit Assessments" (2022). The provision was derived from election of 11-5-02~~

²⁸ ~~Election of 11-5-02~~

²⁹ Election of 11-5-02

If the owner of any building, the condition of which constitutes an immediate threat to life, health, or safety or is otherwise unfit for human habitation, fails to comply with any ~~order~~Order to repair or remove such building or portion thereof, issued pursuant to the General Statutes or to the Code of Ordinances of the ~~city~~ ("~~ordinances~~"), City, or when there exists actual and immediate danger of the falling of any structure or part thereof, so as to endanger life or property, the ~~official~~Official charged with enforcement of such provisions may proceed forthwith to cause to be done all work required to be done in compliance with such an ~~order~~Order, and if necessary, to demolish any structure or structures covered by any such ~~order~~Order, and the ~~city~~City shall have a lien on such building and land for the cost of such work or demolition, which lien, if for work done rather than for demolition, shall take precedence over any other lien on the premises recorded after the effective date of the pertinent Special Acts, including mortgage liens but excepting liens for real estate taxes, provided that the person entitled to such other lien shall have been given ~~written notice~~Public Notice of the ~~city's~~City's intention to undertake said work at least ten (10) ~~days~~Days prior to the commencement thereof, and the ~~city~~City may recover the cost of the work or demolition from the owner of such building or structure by appropriate proceeding on complaint of said ~~official~~Official³⁰.

Sec. 5. – Power to adopt regulatory ordinances³¹.

~~The city shall have power to adopt ordinances not in conflict with the General Statutes or the provisions of this Charter, for the preservation of the public peace, health, safety, comfort and welfare of the inhabitants of the city, and to provide penalties for the violation thereof enforceable in a court of competent jurisdiction as set forth in the General Statutes, but not exceeding a fine of one hundred dollars (\$100.00), or the maximum amount set forth in the General Statutes and enacted by ordinance or imprisonment for more than thirty (30) days or both. Any individual, firm, corporation or association violating any such ordinance shall be liable to the city in a civil action for any damages caused by or arising out of such violation. The city shall have power to require wherever necessary in the execution of its powers permits or licenses and to fix the amount to be paid therefor.~~

Sec. 64. - Eminent domain³².

The ~~city~~City, in carrying out the powers and duties conferred or imposed on it by this Charter or the General Statutes, shall have power to acquire within or without the ~~city~~City lands, buildings and other structures, any interest or estate in land and air rights over land, and may take the same upon paying just compensation to the owner thereof in the manner provided in Title 48 of the General Statutes as amended.

³⁰ Repeal of Current Sec. 5 entitled "Power to adopt regulatory ordinances" (2022). The provisions was derived from election of 11-5-02

³¹ Election of 11-5-02

³² Election/Recodification of Sec. 6 derived from election of 11-5-02

PUBLIC HEARING VERSION - CRC 16 MAY 2022

CHAPTER III. - ELECTIONS

Sec. 1. - Applicability of General Statutes³³.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The ~~court~~Court of ~~common council (the "council")~~Common Council shall provide by ~~ordinance~~Ordinance for the manner of warning municipal elections and such additional ~~regulations~~procedures or guidelines in respect of elections, not inconsistent with the ~~statutes~~General Statutes or this Charter, as may be necessary to accomplish the intent of this chapter.

Sec. 2. - Registrars of voters and constables³⁴.

There shall be two (2) such registrars of voters as may be set forth in the Ordinances and seven (7) constables. To the extent consistent with the General Statutes, the ~~council~~Council may by ~~ordinance~~Ordinance provide for the appointment of registrars or constables.

Sec. 3. - Special elections³⁵.

Special elections when required under the provisions of this Charter or by the General Statutes shall be called and warned by the ~~council~~Council. Such a special election may be held coincidentally with the general ~~state~~State election.

Sec. 4. - Terms of office of ~~elective offices~~Elective Offices³⁶.

(a) **Term of office.** Commencing on January 1, 2004 and quadrennially thereafter, all ~~elected officials~~Elected Officials shall hold their respective offices for a term of four (4) years, with the exception of the elected members of the ~~board~~Board of ~~education~~Education, which is addressed in Chapter IX of this Charter.

(b) **Date of ~~election of elective officers~~General Municipal Election for Elective Offices**³⁷. Except as hereinafter provided, on the Tuesday after the first Monday in November 2003 and in the odd numbered years thereafter as the term of office shall fall, the ~~electors~~Electors of the ~~city~~City shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter the following officers: (1) ~~mayer~~Mayor; (2) members of the ~~council~~Council; (3) ~~city~~city

³³ Election of 11-5-02

³⁴ Election of 11-5-02; election of 11-5-13, eff. 1-1-14.

³⁵ Election of 11-5-02

³⁶ Election of 11-5-02

³⁷ 2022 modification of Sec. 2(b) derived from election of 11-5-02

~~treasurer~~City Treasurer; and (4) ~~constables~~Constables. On the ~~first~~ Tuesday after the first Monday in November ~~2005~~2027 and on the ~~electors~~odd numbered years thereafter ~~of the term of office shall call, the Electors of the City~~ shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, four (4) members of the ~~board~~Board of ~~education~~Education as set forth in Chapter IX of this Charter. ~~On the first Tuesday after the first Monday on November 2004 and the even-numbered years thereafter as the term of office shall fall, the electors of the city shall elect registrars of voters, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter.~~

Transitional Provision for the Board of Education. On the Tuesday after the first Monday in November 2025 the Electors shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter four (4) members of the Board of Education as set forth in Chapter IX of this Charter, for a term of two (2) years, notwithstanding the provisions of section 4(a) of this Chapter, above.

(c) **Vacancies in various ~~elective offices~~Elective Offices.**

(1) *Vacancies resulting from changes in member's residence or political party registration.* A member of the ~~council~~Council shall be deemed to have resigned upon ceasing to be a resident ~~and~~ Elector of the ~~city~~City. With the exception of the final three (3) months of the term of office, a member of ~~council~~Council who changes political party registration and thereby alters the party composition of the ~~council~~Council shall be deemed to have resigned.

(2) *Filling ~~council~~Council vacancies.* A ~~vacancy~~Vacancy in the ~~council~~Council, from whatever cause arising, shall be filled by ~~majority vote~~Majority Vote of the ~~council~~Council within sixty (60) ~~days~~Days following the ~~vacancy~~Vacancy, provided any ~~vacancy~~Vacancy shall be filled by appointment of a person of the same political party as the appointee's predecessor. An appointment made after the expiration of sixty (60) ~~days~~Days shall nonetheless be valid. The length of the appointment shall be determined in accordance with the provisions of paragraph (3), below.

(3) *Filling vacancies in any ~~elected office~~Elective Office.* Subject to the provisions of applicable provisions of the General Statutes (C.G.S. § 9-221) governing the filling of vacancies in ~~municipal office~~Elective Office, in the event a ~~vacancy~~Vacancy shall occur in any ~~elective office~~Elective Office (with the exception of ~~mayor~~Mayor, which is addressed in section 4(b)(3) of Chapter IV of this Charter and the Board of Education as set forth in section 5(c) of Chapter IX of this Charter) the ~~council~~Council shall fill any such ~~vacancy~~Vacancy by appointment until the next regularly scheduled municipal general election; or, if such election is not permitted by the General Statutes, for the remainder of the term of office. The ~~vacancy~~Vacancy filled by election shall be for the remainder of the term of office.

Sec. 5. - Composition of the ~~court~~Court of ~~common council~~Common Council³⁸.

The ~~council~~Council shall consist of nine (9) members elected from the ~~city~~City at large³⁹.

Sec. 6. - Registrars of voters⁴⁰.

(a) Powers and duties. The registrars of voters shall have such powers and duties as are conferred or imposed on them by the General Statutes and the provisions of this Charter. Among other duties, the registrars of voters are responsible for creating and maintaining the official registry list for the municipality, maintaining and preparing the voting machines, hiring and appointing poll workers, training poll workers, ensuring proper set-up of the polling place, ensuring proper reporting of candidate totals on election night, and conducting post-~~election~~ recounts and audits.

(b) Operational standards. The office of the registrar of voters shall operate in accordance with nationally accepted professional standards, best practices and provide the ~~electors~~Electors of the ~~city~~City with assistance on a non-partisan basis.

(1) Certification. For the purpose of meeting best practices and the highest professional standards, the registrars of voters and any deputy or permanent assistants, upon no more than one hundred eighty (180) ~~days~~Days following hiring, shall participate at the next scheduled session regarding any certification training program for registrars of voters, as set forth in the General Statutes in order to obtain certification by the Secretary of the State; or in the event, there is no such program any continuing education programs offered by national organizations or associations pertaining to local election administration.

(c) If permitted by the General Statutes, the registrars of voters shall be appointed by the ~~city council~~Council⁴¹ to serve for an indefinite term.

(d) Effective date of the said changes is January 1, 2014.

³⁸ Election of 11-5-02

³⁹ **COUNSEL NOTE: Electors of the City?**

⁴⁰ Election of 11-5-13, ~~Note~~ Introduced and submitted to ~~electors~~Electors as a new subsection designated as subsection 7 of Chapter III. Upon the defeat of the question by which amendment to subsection 5 and a proposed subsection 6, the disapproved amendments deleted and the approved subsection renumbered to retain consecutive numbering within Chapter III and to avoid confusion.

⁴¹ Minor Modification (2022)

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PUBLIC HEARING VERSION - CRC 16 MAY 2022

CHAPTER IV. - THE COURT OF COMMON COUNCIL

Sec. 1. - The legislative power of the ~~council~~Council⁴².

The legislative power and authority of the ~~city~~City shall be vested in the ~~council~~Council. No enumeration of powers contained in this Charter shall be deemed to limit the legislative power of the ~~council~~Council as provided for in the General Statutes.

(a) **Compensation of the ~~council~~Council.** Each member of ~~council~~Council shall receive no less than the sum of fifteen thousand dollars (\$15,000.00) annually as compensation, together with reimbursement for just and necessary expenses incurred in the performance of the member's duties. The ~~council~~Council may review the amount of said compensation and of compensation of the ~~mayor~~Mayor and enact revisions thereof by ~~ordinance~~Ordinance. Any such ~~ordinance~~Ordinance which provides for an increase in compensation or non-cash benefits for the ~~council~~Council shall become effective only upon approval of said ~~ordinance~~Ordinance by the ~~electors~~Electors of the ~~city~~City at a referendum held at the next regular municipal election, whereupon it shall become effective at the next term of the ~~council~~Council.

(b) **Restrictions on holding office.** No member of the ~~council~~Council shall hold any office of profit under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of notary public, nor shall any member of Council, during the term of office for which the member was elected and for one (1) year thereafter, be appointed to any other office of profit under the government of the City of Hartford.

Sec. 2. - Powers of the ~~council~~Council⁴³.

The ~~council~~Council shall have the power:

(a) To exercise the powers specifically granted to the ~~council~~Council in this Charter or by statute;

(b) To enact ~~ordinances~~Ordinances in the manner provided in this Charter not inconsistent with ~~law~~Law, or this Charter, for the government of the ~~city~~City and the management of its business, and to implement all of the powers set forth herein or otherwise conferred upon the ~~city~~City for which regulation or legislation is required;

~~(c) To adopt the capital and operating budget of the city, as provided in this Charter;~~

(c) To (1) adopt the capital and operating budget of the City, as provided in this Charter; (2) approve multi-year contracts, agreements, settlements and

⁴² Election of 11-5-02

⁴³ Election of 11-5-02

transactions in accordance with Law; and (3) engage in legislative oversight and review of the operations of government, including financial matters. In accordance with its budgetary and financial functions, the Council shall adopt an Ordinance governing the procedures pertaining to the application of grants and other third party revenues from public or private sources, which shall take into account reporting provisions and other accountability standards⁴⁴.

(d) To approve, by majority vote of ~~the entire~~ membership of the Council, all appointments made pursuant to section 2(d) and (e) of Chapter V and other provisions of this Charter. Pending action by the ~~council~~ Council, which shall be completed within sixty (60) ~~days~~ Days of the submission of the nomination, a proposed appointee to a position may perform the duties and exercise the powers of the position; although this provision shall not be applicable to appointees to ~~boards~~ Boards or ~~commissions~~ Commissions. A rejected nominee may continue in office in an acting capacity pending resubmission of the candidate's name for approval at the ~~council's~~ Council's next regular ~~meeting~~ Meeting; however, a person's name may not be submitted more than two (2) times. Other than to membership on a ~~board~~ Board or ~~commission~~ Commission, the ~~mayer~~ Mayor may designate an individual to hold a position in an acting capacity pending the selection of a nominee, but no person may hold such a position for more than six (6) months without being submitted for confirmation by the ~~council~~ Council. If a nomination to a position or to a ~~board~~ Board or ~~commission~~ Commission has not been affirmed or rejected by vote of the ~~council~~ Council within sixty (60) ~~days~~ Days of the submission of the nomination by the ~~mayer~~ Mayor, it shall be deemed to have been approved;

(e) To establish the fees charged by ~~city agencies~~ the Departments, Boards and Commissions of the City;

(f) In the name of the ~~city~~ City, to receive gifts of money or property in excess of a value to be determined by the ~~council~~ Council from time to time by ~~ordinance~~ Ordinance. Gifts of a lesser value than specified in such an ~~ordinance~~ Ordinance may be received by the ~~mayer~~ Mayor, or by persons the ~~mayer~~ Mayor may designate, in the name of the ~~city~~ City;

(g) To undertake public improvements and to assess benefits and damages therefor, in the manner provided in this Charter;

(h) To approve labor agreements and employment contracts, but excepting employment arrangements for the non-classified appointees of the ~~mayer~~ Mayor;

(i) To approve the purchase, sale, lease or other transfer of real property;

(j) To provide by ~~ordinance~~ Ordinance for such staff and other assistance as the ~~council~~ Council may deem appropriate to meet its needs, providing that due

⁴⁴ 2022 modification of current Sec. 2(c) which was approved at the election of 11-5-02

appropriation has been made therefor, and to provide by ~~ordinance~~Ordinance for the method of hiring and terminating such staff.

(k) To increase by ~~ordinance~~Ordinance any dollar amount in this Charter, including the compensation of the ~~mayer~~Mayor, by an amount no greater than the change in the consumer price index, or any similar published index in the event the consumer price index is discontinued, provided that any such ~~ordinance~~Ordinance increasing the compensation of the ~~mayer~~Mayor shall be enacted only in the first five (5) months of the calendar year in which a ~~mayera~~Mayoral election is to be held and shall become effective on January 1 of the next year.

(l) To adopt a ~~city~~City plan within six (6) months following receipt of the report of the planning and zoning commission.

(m) To adopt an ethics ~~ordinance~~Ordinance setting forth the standards governing the conduct of ~~public-officials~~Public Officials and employees.

(n) To appropriate, notwithstanding other provisions of this Charter, necessary funds for the purpose of meeting a public emergency threatening the lives, health or property of citizens, as determined either by the President of the United States or the Governor of the State of Connecticut; provided such appropriation shall require at least seven (7) affirmative votes in the ~~council~~Council.

Sec. 3. - Additional powers of the ~~council~~Council⁴⁵.

(a) ~~_____~~ **Removal of Elective Officials and Confirmed Officers and Employees of the City.** Removal of elective officers and other officers and employees subject to confirmation by the ~~council~~Council. In addition to the powers of the ~~mayer~~Mayor as set forth in section 2(b) of Chapter VIII of this Charter, any elective officer or, officer or employee confirmed by the ~~council~~Council, may be removed, by the ~~council~~Council, from office for cause by a vote of seven (7) members of the ~~council~~Council. No such officers or employees may be removed except upon charges, which shall be preferred by vote of a majority of the membership of the ~~council~~Council, and after a hearing thereon before the full ~~council~~Council. Written notice by the ~~council~~Council of the charges and time and place of hearing shall be given to the officer or employee at least two (2) weeks before such hearing. Such charges shall be for neglect or dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting the officer or employee's general character or fitness for office. Such officer or employee shall have the right to be represented by counsel at the hearing, to present testimony personally and through witnesses, to cross-examine witnesses presented in favor of removal, and to compel the attendance of witnesses by subpoena issued in the name of the ~~council~~Council. In a hearing concerning removal of the ~~mayer~~Mayor, the ~~council~~Council shall designate an attorney who is an ~~elector~~Elector of the ~~city~~City and has been a member in good

⁴⁵ Election of 11-5-02

standing of the bar of the State of Connecticut for at least ten (10) years as the temporary presiding officer in place of the ~~council president~~Council President.

(b) **Power of investigation.** The ~~council~~Council, or any committee thereof when so authorized by the ~~council~~Council, shall have power to investigate the official conduct of any ~~department or agency~~Department of the ~~city~~City government or of any officer or employee thereof. For the purpose of conducting any such investigation and hearings relating to the removal of appointive or elective officers or employees, pursuant to section 3(a) of this chapter, above, any member of the ~~council~~Council shall have power to administer oaths and the ~~council~~Council or authorized committees thereof may compel the attendance of witnesses and require the production of books and papers. Any person who refuses to obey the subpoena of the ~~council~~Council or an authorized committee thereof shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) ~~days~~Days or both. The ~~council~~Council may appropriate from available funds amounts necessary to cover expenses incurred pursuant to this section.

(c) **Annual audit.** The ~~council~~Council shall designate annually an independent public accountant or firm of independent public accountants to audit the books and accounts of the ~~city~~City as provided in the General Statutes.

Sec. 4. - Organization and officers of the ~~council president~~Council President and ~~town~~Town and ~~city clerk~~City Clerk ("City Clerk")⁴⁶.

(a) **Organizational meeting.** The ~~mayor~~Mayor shall convene the ~~council~~Council at 7:00 p.m. on the first Monday immediately following January 1st of each even-numbered year for an organizational ~~meeting~~Meeting. The ~~city clerk~~City Clerk shall administer the oath of office to all members.

(b) **Election of ~~council president~~Council President.** Following the administration of the oath of office, the first order of business shall be to elect, by ~~majority vote~~Majority Vote of the Council, from among the ~~council's~~Council's membership a presiding officer, who shall be designated the ~~council president~~Council President. The ~~council president~~Council President shall serve as such for two (2) years, and a member may be elected to an unlimited number of successive two-year terms as ~~council president~~Council President. The ~~council~~Council shall fill any ~~vacancy~~Vacancy in the office of ~~council president~~Council President by election of a new ~~council president~~Council President, who shall serve for the remainder of the two-year term, from among its members.

(1) **Powers and duties of the ~~council president~~Council President.** The ~~council president~~Council President shall preside over ~~meetings of the council~~Council Meetings, without thereby losing the right to vote or to speak as a member of ~~council~~Council, and shall have such other powers and obligations

⁴⁶ Election of 11-5-02

as may be assigned to the presiding officer by the ~~council's~~Council's rules, by ~~ordinance~~Ordinance, or by this Charter.

(2) **Presiding officer pro tempore.** The ~~council~~Council may provide in its rules for the designation of a member to preside in the absence of the ~~council~~Council President and, if there is no such provision in the ~~council~~Council rules, the ~~council-president~~Council President shall designate a temporary presiding officer whenever the ~~council-president~~Council President is absent from a ~~council-meeting~~Council Meeting.

(3) **Succession to the office of ~~mayor~~Mayor.** Subject to the applicable provisions of the General Statutes governing the filling of vacancies in municipal office, in the event that the position of ~~mayor~~Mayor becomes vacant, the ~~council-president~~Council President shall serve as ~~mayor~~Mayor until the next regularly scheduled municipal general election, or, if not permitted by the General Statutes, for the remainder of the ~~mayor's~~Mayor's term. Upon succession to the office of ~~mayor~~Mayor, the ~~council~~Council president's position on the ~~council~~Council shall be filled as provided in section 4(c)(2) of Chapter III of this Charter.

(4) **Removal of the ~~council-president~~Council President.** The ~~council~~Council may remove the ~~council-president~~Council President from the presidency at any time by a vote of six (6) members, at a special ~~meeting~~Meeting duly called for that purpose.

(c) **Town and ~~city-clerk~~City Clerk: appointment and duties.** The ~~council~~Council shall appoint a ~~town and city clerk (the "city clerk")~~City Clerk to serve for an indefinite term. The ~~city-clerk~~City Clerk holding office at the effective date of this amendment shall continue to hold office until resignation, retirement, death or removal for other cause.

(1) **Powers and duties of the ~~city-clerk~~City Clerk.** The ~~city-clerk~~City Clerk shall have all the powers and duties conferred or imposed by ~~law~~Law on town clerks, shall act as clerk of the ~~council~~Council and shall have such other powers and duties as are prescribed in this Charter or by the ~~council~~Council. The ~~city-clerk~~City Clerk shall appoint and remove, subject to the provisions of this Charter and ~~ordinances~~Ordinances pertaining to personnel and civil service, all deputies, assistants or employees in the ~~city-clerk's~~City Clerk's office.

(2) **Compensation and fees.** The ~~city-clerk~~City Clerk shall receive a compensation to be fixed by the ~~council~~Council and all fees collected by the ~~city clerk~~City Clerk shall be paid into the ~~city~~treasury of the City.

(3) **Attestation of the land records.** It shall be sufficient attestation of the land records in the care or custody of the ~~city-clerk~~City Clerk when each

volume of such land records shall bear a certificate of attestation with the written signature of the officer charged with the care of such records and authorized by ~~law~~Law to record or file the same, providing nothing herein contained shall relieve the ~~city clerk~~City Clerk or the ~~city clerk's~~City Clerk's assistant from noting the discharge of a mortgage, lien or other encumbrance on the margin of the record of such mortgage, lien or other encumbrance.

(d) Legislative Services and Staff⁴⁷. The Council shall appoint such full time professional, clerical and administrative staff as it deems necessary to assist it in the performance of its duties. The staff shall be provided adequate space for its operation and shall be supplied with all appliances and incidentals necessary for the proper discharge of its duties, to be paid from the general fund, as appropriated. The staff of the Council shall be separate and distinct from and not subject to the authority of the executive branch of the City's government and shall be subject to the authority and supervision of the Council President.

(1) Appointment of Staff. Each staff member of the Council deemed necessary to carry out the Council's legislative function, and serve at the pleasure of the President, shall be appointed by the President subject to approval a Majority Vote of the Council; unless said employees are nonpartisan, classified employees, in which the case said employees shall be appointed by a majority decision of the President, Majority and Minority Leaders from a list of three (3) persons with the highest ratings obtained in a civil service examination held to determine eligibles for that position, which examination shall be created pursuant to criteria established by the appropriate committee of the Council.

(2) Transfers of Personnel. All transfers of personnel into the Office of Legislative Services and all layoffs of its personnel must be approved by a majority of the President, Majority Leader and Minority Leader of the Board of Alders, and by the appropriate bargaining unit.

(3) Legal Assistance. The President or a petition of a majority of the members of the Council may, from time-to-time, request the Corporation Counsel to attend Meetings of the Council or its committees; or, to provide a Deputy or Assistant Corporation Counsel to assist the Council in its legislative duties. In the event the Corporation Counsel or a designee is not available, there is a potential conflict between the Council and other Elective or Appointed Officials or on its own motion, the Council may, by a Majority Vote of the Council, retain independent, outside counsel for advice on such matters. Prior to such vote the President shall consult with the Corporation Counsel to ensure there are no legal, ethical or positional conflicts between said outside counsel

⁴⁷ NEW (2022)

and the City. In furtherance of this authority, the Annual Budget shall include a line item for said purpose; or, in the event there are insufficient funds available for retention of counsel, the Council may implement a budget transfer to be earmarked for the exclusive use of the Council.

(4) Other Consultants. The President or a petition of a majority of the members of the Council may, from time-to-time, authorize the retention of outside consultants to assist the Council in its legislative functions.

(5) Parliamentarian. The President may appoint a parliamentarian.

(6) Director of Legislative Services. There shall be a Director of Legislative Services, so appointed, who shall serve for a four (4) year renewable term commencing on February 1ST of the year following approval of this provisions of the Charter.

(7) Budget Analyst. A Budget Liaison, who shall be qualified by education, training and experience in public administration and public finance as well as additional qualifications as may be established by Ordinance and in accord with nationally accepted professional standards and best practices, shall be appointed as a classified employee in accordance with section 4(d)(1), above. The Budget Analyst shall serve as the principal advisor on matters of budget and finance to the Council and liaison to the Department of Finance and, as such, shall assist the Council in carrying out the provisions of this Charter pertaining to budget development, implementation and oversight. In particular, said Liaison shall assist the Council, in its interactions with the Mayor, as follows:

(i) development and execution of the Town Budget (capital and operating), including the budgets of the Town's internal service, special revenue funds and enterprise funds, if any;

(ii) providing any information pertaining to federal and state revenue estimates and any potential adjustments;

(iii) conferring with the President and other leaders of the Council, Chair of the Council Committee of jurisdictions on budgetary and finance matters or their designees with budget related questions or concerns throughout the fiscal year;

(iv) assisting the Council in its oversight function pertaining to budgetary compliance;

(v) assist the Council on all matters pertaining to all budgetary transfer requests submitted for legislative action; and,

(vi) assisting the Council in developing methods and means of communicating with the residents of the City order to expand public participation, engagement and trust in the budgetary process including electronic posting of financial documents and information as well as enhanced opportunities for public participation throughout the year.

Said Budget Analyst shall be strictly accountable to the Council. The Mayor, Board of Education and Director of Finance are required to provide the Budget Analyst and the Council with all financial and budgetary information and data that is not otherwise deemed confidential or exempt from disclosure under Law.

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Sec. 5. - Meetings⁴⁸.

(a) **Regular ~~meetings~~Meetings.** The ~~council~~Council shall have ~~regular meetings~~Regular Meetings at a time and place determined by ~~resolution~~Resolution, except that the ~~council~~Council shall have at least one (1) regular ~~meeting~~Meeting a month.

(b) **Special ~~meetings~~Meetings.** Special ~~meetings~~Meetings may be held at any time the ~~council~~Council may direct and also may be called on forty-eight (48) hours' ~~notice~~Meeting Notice by the ~~mayor~~Mayor, the ~~council president~~Council President, or any three (3) members of the ~~council~~Council. The said notice of any ~~special meeting~~Special Meeting shall be in such form and shall be delivered in such manner as the ~~council~~Council shall prescribe by ~~ordinance~~Ordinance. It shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such ~~special meeting~~Special Meeting.

(c) **Emergency ~~meetings~~Meetings.** In the event a public emergency arises or threatens to arise involving or threatening the lives or property of the inhabitants of the ~~city~~City or the property of the ~~city~~City, the ~~mayor~~Mayor or ~~council president~~Council President may call an emergency ~~meeting~~Meeting of the ~~council~~Council upon three (3) hours' notice and may summon ~~council~~Council members to attend such ~~meeting~~Meeting in such manner as the ~~council~~Council may prescribe by ~~ordinance~~Ordinance. Notwithstanding any provision of ~~law~~Law or this Charter to the contrary, at such ~~meeting~~Meeting, the ~~council~~Council may transact any item or items of business relevant to such emergency.

⁴⁸ Election of 11-5-02

(d) **Open ~~meetings~~Meetings and public comment.** All ~~meetings~~Meetings shall be open to the public and the ~~council~~Council shall make provision, in its rules, for a public comment period during, at least, one (1) ~~meeting~~Meeting per month.

Sec. 6. - Procedures and other organizational matters⁴⁹.

(a) **The ~~council~~Council journal.** The ~~council~~Council shall keep for public inspection a journal, which shall be the official record of its proceedings. The ~~council~~Council journal shall be available to the public electronically and shall be published in such manner as the ~~council~~Council shall determine.

(b) **Rules of procedure.** The ~~council~~Council shall have power, subject to the provisions of this Charter, to adopt its own rules of procedure.

(c) **Voting.** No ~~ordinance, resolution, motion~~Ordinance, Resolution, Motion or vote shall be passed by the ~~council~~Council, except ~~motions~~Motions of a purely procedural nature, unless it shall have received the affirmative votes of at least a majority of the full membership of the ~~council~~Council; provided that no ~~ordinance~~Ordinance required, by section 2(d)(3) of Chapter VII of this Charter, to be referred to the ~~planning~~Planning and ~~zoning commission~~Zoning Commission shall be approved following a negative recommendation by said ~~commission~~Commission except by a vote of seven (7) members of the ~~council~~Council. All voting, except on procedural ~~motions~~Motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

Sec. 7. - Procedures for enacting ~~ordinances, resolutions~~Ordinances, Resolutions and other legislative enactments⁵⁰.

(a) **Ordinances, when required.** In addition to such acts of the ~~council~~Council as are required by the General Statutes or by other provisions of this Charter to be by ~~ordinance~~Ordinance, every act creating, altering or abolishing any agency, office or employment, or assigning or reassigning the same to ~~departments~~Departments, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or ~~regulation~~Regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ~~ordinance~~Ordinance.

(b) **Form of ~~ordinances~~Ordinances.** Every ~~ordinance~~Ordinance, except the annual ~~budget ordinance~~Appropriation and Tax Levy Ordinance and an ~~ordinance~~Ordinance making a general codification of ~~ordinances~~Ordinances, shall be confined to a single subject that shall be clearly expressed in its title. All ~~ordinances~~Ordinances shall be introduced in written or printed form. All

⁴⁹ Election of 11-5-02

⁵⁰ Election of 11-5-02

~~ordinances~~Ordinances that amend or repeal existing ~~ordinances~~Ordinances shall set forth in full the section or subsection to be amended or repealed and if it is to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring. When published prior to enactment in a newspaper or otherwise the same indications of omitted and new matter shall be used except that italics may be substituted for underscoring. The enacting clause of all ~~ordinances~~Ordinances shall be: "Be it ordained by the Court of Common Council of the City of Hartford." Unless another date is specified therein an ~~ordinance~~Ordinance shall take effect on the tenth day following its passage.

(c) Procedure for passage of ~~ordinances~~Ordinances.

(1) *Introduction, first reading and publication.* An ~~ordinance~~Ordinance may be introduced at any ~~meeting~~Meeting by the ~~mayor~~Mayor, by any member of the ~~council, or~~Council, any committee thereof or the Treasurer as set forth in section 2(f) of Chapter VI of this Charter. Upon introduction it shall be read a first time and a day and hour set, not earlier than the seventh day thereafter, at which the ~~council~~Council or a committee thereof shall hold a public hearing thereon. Such hearing may be at a ~~regular meeting~~Regular Meeting of the ~~council~~Council or at such time and place as the ~~council~~Council may order and may be adjourned from time to time. It shall be the duty of the ~~city clerk~~City Clerk to publish the title and/or statement of purpose of every ~~ordinance~~Ordinance introduced, within three (3) ~~days~~Days after its introduction, as a paid advertisement once in a daily newspaper of general circulation in the ~~city~~City⁵¹, together with a notice of the time and place at which the public hearing thereon shall be held and notice that a full copy of the ~~ordinance~~Ordinance is on file in the office of the ~~city clerk~~City Clerk for public inspection. Immediately upon publication, the ~~city clerk~~City Clerk shall place a copy of the publication clipped from such newspaper, together with a copy of the ~~ordinance~~Ordinance, in a file for use of the ~~council~~Council. Copies of the ~~ordinance~~Ordinance shall be maintained in the office of the ~~city clerk~~City Clerk in suitable form for inspection and distribution.

(2) *Public hearing, second reading and passage.* No ~~ordinance~~Ordinance, except an emergency ~~ordinance~~Ordinance as defined in subsection (3) of this section, shall be read the second time and passed less than three (3) weeks following its introduction nor until the conclusion of public hearings thereon. The ~~council~~Council shall have the option to accept or reject an amendment at that ~~meeting~~Meeting, or, to reassign the entire matter for public hearing as an original ~~ordinance~~Ordinance. If the amendment is approved and if the amendment is substantial, the proposed ~~ordinance~~Ordinance, as amended, shall be republished and assigned for public hearing, as provided in the case of a newly introduced ~~ordinance~~Ordinance, and shall not be finally passed prior to two (2) weeks following such amendment; provided that no republication or additional public hearing shall be required as the result of the adoption of any

⁵¹ **Note: Issue for the Council.**

amendment that was filed with the ~~town clerk~~City Clerk in writing and made available to the public electronically, by noon of the fifth business day prior to the next ~~council meeting~~Council Meeting, at which action may be taken on the proposed amendment. If the amendment is defeated, the ~~ordinance~~Ordinance may be finally passed at that ~~meeting~~Meeting.

(3) *Emergency* ~~ordinances~~Ordinances. Emergency ~~ordinances~~Ordinances for the immediate preservation of the public peace, health and safety may be introduced at any ~~meeting~~Meeting. An emergency ~~ordinance~~Ordinance shall be read a first time and published as provided in the case of other ~~ordinances~~Ordinances and may be read a second time and passed with or without amendment at any regular, special or emergency ~~meeting~~Meeting subsequent to such publication. An emergency ~~ordinance~~Ordinance shall contain a specific statement of the emergency. The affirmative votes of seven (7) members of the ~~council~~Council shall be necessary for the adoption of an emergency ~~ordinance~~Ordinance.

(4) *Approval of* ~~ordinances, resolutions~~Ordinances, Resolutions and appropriations by the ~~mayor~~Mayor.

(i) Ordinances and Resolutions⁵².

Every ~~ordinance~~Ordinance and ~~resolution~~Resolution, except an emergency ~~ordinance~~Ordinance, a budgetary appropriation ~~ordinance~~Ordinance, and a tax levy ~~ordinance~~Ordinance, shall, before it becomes effective, be certified by the ~~city clerk~~City Clerk to the ~~mayor~~Mayor for the ~~mayor's~~Mayor's approval. The ~~mayor~~Mayor may sign the proposed ~~ordinance~~Ordinance or ~~resolution~~Resolution, whereupon it shall become effective in accordance with its terms. The ~~mayor~~Mayor may, within seven (7) ~~days~~Days, return a proposed ~~ordinance~~Ordinance or ~~resolution~~Resolution to the ~~city clerk~~City Clerk with a statement of the reasons for disapproval, which statement shall be transmitted by the ~~city clerk~~City Clerk to the ~~council~~Council at its next regular ~~meeting~~Meeting. If the ~~council~~Council shall pass the proposed ~~ordinance~~Ordinance or ~~resolution~~Resolution by an affirmative vote of seven (7) members within fourteen (14) ~~days~~Days or at the next ~~meeting~~Meeting of the ~~council~~Council held after such ~~ordinance~~Ordinance or ~~resolution~~Resolution has been returned with the ~~mayor's~~Mayor's disapproval, whichever is later, it shall become effective without the ~~mayor's~~Mayor's approval. If the ~~mayor~~Mayor does not return the proposed ~~ordinance~~Ordinance or ~~resolution~~Resolution within the time required, it shall become effective without the ~~mayor's~~Mayor's approval.

(ii) ~~Subject to the provisions of section 5 of Chapter X of this Charter and the ordinance pertinent thereto, the mayor may reduce or disapprove any item or items of expenditure in any proposed~~

⁵² 2022 revision and recodification of Sec. 7.C(4)(i) of Chapter IV.

~~appropriation. If the mayor disapproves or reduces any item or items of expenditure, the mayor shall, within two (2) days after submission to the mayor pursuant to section 5(c) of Chapter X of this Charter, return it to the city clerk together with a statement of the reasons for the disapproval or reduction. The city clerk shall transmit said statement to the council forthwith. In the event the mayor shall disapprove or reduce any item or items of expenditure, the approved portion thereof shall become effective unless the disapproved or reduced portion thereof is passed over the mayor's veto by an affirmative vote of seven (7) members of council within the time allowed for adoption of the budget or passage of an appropriation hereunder, whereupon the item or items of expenditure shall become effective as finally passed. Failure of the mayor to act upon any proposed item or items of expenditure within two (2) days as above set forth shall constitute approval of the proposed item or items of expenditure.~~

(ii) Appropriations⁵³. The approval of appropriation is addressed in section 5.D of Chapter X of this Charter and any Ordinance pertinent thereto.

(d) Waiver of reading. By the unanimous consent of the ~~council~~Council members present, any first or second reading, or both, of an ~~ordinance~~Ordinance may be waived and said ~~ordinance~~Ordinance read by title and statement of purpose.

(e) Record and publication of ~~ordinances~~Ordinances. Every ~~ordinance~~Ordinance after passage shall be given a serial number, printed in the journal, and recorded by the ~~city clerk~~City Clerk in a book to be kept for that purpose which shall be properly indexed. All ~~ordinances~~Ordinances for the violation of which a penalty is imposed or which impose any burden on or limit the use of private property and all ~~ordinances~~Ordinances authorizing the issuance of bonds shall be published by the ~~city clerk~~City Clerk once in a daily newspaper of general circulation in the ~~city~~City, within three (3) ~~days~~Days of their passage, in the same manner and form as provided in section 7(c)(1) of Chapter IV of this Charter. At least every ten (10) years, there shall be prepared under the direction of the ~~corporation counsel~~Corporation Counsel by a competent legal publishing house employed by the ~~city~~City a codification of all ~~ordinances~~Ordinances in force, eliminating all obsolete and conflicting provisions. Said codification shall be passed by the ~~council~~Council as a single ~~ordinance~~Ordinance and without prior publication. Upon its passage it shall be published in loose-leaf form. Copies of all ~~ordinances~~Ordinances shall be printed as promptly as possible after their passage in the same loose-leaf form as the codification, for distribution.

⁵³ 2022 revision and recodification of Sec. 7.C(4)(ii) of Chapter IV.

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CHAPTER V. - THE MAYOR

Sec. 1. - The executive power and authority of the ~~mayer~~Mayor⁵⁴.

There shall be a ~~mayer~~Mayor who shall be the chief executive officer of the ~~city~~City. The executive and administrative powers of the ~~city~~City are vested in the ~~mayer~~Mayor, except as otherwise provided in this Charter, or provided by ~~law~~Law.

Compensation of the ~~mayer~~Mayor⁵⁵. The ~~mayer~~Mayor shall be paid an annual salary in an amount equal to the ~~base salary~~salary, including accumulated cost of living adjustments, of a ~~judge~~Judge of the Superior Court of the State of Connecticut, commencing at 12:01 a.m. on January 1, ~~2003-2024~~ ("base salary"). The salary of the ~~mayer~~Mayor may be adjusted ~~annually~~to reflect any changes in such base salary, in accordance with Article XIX of the Constitution of the State of Connecticut⁵⁶ at which time said salary may be further adjusted to reflect any changes, as provided in sections 1(a) and 2(k) of Chapter IV of this Charter.

Sec. 2. - Powers and duties of the ~~mayer~~Mayor⁵⁷.

In addition to the powers and duties specified elsewhere in this Charter or in the ~~constitution~~State Constitution and General Statutes, the ~~mayer~~Mayor shall:

- (a) Devote full time to the duties of the office;
- (b) Take care that the ~~laws~~Laws and ~~ordinances~~Ordinances be faithfully executed within the boundaries of the ~~city~~City, insofar as it is the obligation of the ~~city~~City and its employees to do so;

⁵⁴ Election of 11-5-02. **Note from Council: Elector requirement. Who shall be an Elector and resident of the City.**

⁵⁵ 2022 modification of the provision adopted at the election of 11-5-02. The applicable statute is C.G.S. §51-47. At the time of adoption of this provision the Superior Court salary was \$180,460.

⁵⁶ **2022 Comment of the Charter Revision Commission:** Please see, Article XIX of the Constitution of the State of Connecticut. "Section 2 of the article eleventh of the constitution is amended to read as follows: Except as provided in this section, neither the state nor any political subdivision of the state shall pay or grant to any elected official of the state or any political subdivision of the state, any compensation greater than the amount of compensation set at the beginning of such official's term of office for the office which such official holds or increase the pay or compensation of any public contractor above the amount specified in the contract. The provisions of this section shall not apply to elected officials in towns in which the legislative body is the town meeting. The compensation of an elected official of a political subdivision of the state whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him. Adopted November 24, 1982."

⁵⁷ Election of 11-5-02

(c) Be responsible for the performance of their duties by all the appointive officers and ~~departments~~Departments and employees of the cityCity and exercise ultimate operational control over the ~~departments and agencies~~Departments of the cityCity; in this respect the ~~mayer~~Mayor shall have the discretion to delegate powers and responsibilities to any employee of the cityCity. The ~~mayer~~Mayor shall conduct or cause the ~~chief operating officer~~Chief Operating Officer to conduct an annual evaluation of each ~~department head~~Department Head. While retaining the responsibilities defined in this provision the ~~mayer~~Mayor shall designate the ~~chief operating officer~~Chief Operating Officer to carry out such responsibilities with regard to the supervision and direction of the ~~departments and agencies~~Departments of the cityCity, as the ~~mayer~~Mayor may direct;

(d) Appoint, subject to section 2(d) of Chapter IV of this Charter, the ~~chief operating officer, corporation counsel and the heads of all departments~~Chief Operating Officer, Corporation Counsel and Department Heads, except as otherwise provided in this Charter or collective bargaining agreement, and such other officers and employees of the cityCity as this Charter or an ordinanceOrdinance of the ~~council~~Council consistent therewith may provide. Following October 1 of the year in which there is a mayoral election a ~~mayer~~Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) ~~days~~Days following the commencement of the term of office of the new ~~mayer~~Mayor. If the ~~mayer~~Mayor is re-elected this limitation shall not apply after the election. The ~~mayer~~Mayor shall have power to remove any appointee, except a member of the ~~classified service~~Classified Service. The ~~mayer~~Mayor may suspend from duty for not more than thirty (30) ~~days~~Days any such appointee pending ~~final action~~Final Action.

(e) Appoint, subject to section 2(d) of Chapter IV of this Charter, all members of all ~~boards, commissions~~Boards, Commissions, agencies, authorities and other bodies of the cityCity created by the General Statutes or by ordinanceOrdinance. Following October 1 of the year in which there is a mayoral election a ~~mayer~~Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) ~~days~~Days following the commencement of the term of office of the new ~~mayer~~Mayor. If the ~~mayer~~Mayor is re-elected this limitation shall not apply after the election. The ~~mayer~~Mayor shall have the power to initiate the removal of any appointee as set forth in section 1(i) of Chapter VII of this Charter;

(f) Act as the principal representative of the cityCity in relations and affairs with the federal government, the state government, other municipalities, regional agencies, and any subdivisions, ~~departments or agencies~~Departments thereof;

(g) Act as the principal strategist and spokesperson of the cityCity in the creation and implementation of plans for economic development;

(h) Have the right to appear at and address the ~~council~~Council and to cause proposals to be included on the agenda of the ~~council~~Council;

(i) Deliver a written and oral report on the state and condition of the cityCity and on any recommendations the mayerMayor deems appropriate at the first meetingsecond (2nd) Meeting of the councilCouncil in March of each year⁵⁸;

(j) Prepare and submit to the councilCouncil not later than its first meeting(1st) Meeting in September of each year a concise and comprehensive report of the financial transactions and administrative activities of the cityCity government during the fiscal year ending on the preceding thirtieth day of June;

(k) Prepare and submit the annual budget as provided in Chapter X of this Charter;

(l) Exercise within the limits of the cityCity all the emergency powers given to the chief executive officer of a municipality under the General Statutes;

(m) Examine, in person or through one (1) or more designees, all data and property of the cityCity in the possession of any officer, ~~agency, department, commission, board~~Department, Commission, Board (including the boardBoard of educationEducation), authority, employee or member of any part of the municipal government, provided that the mayerMayor shall not have the right to demand information about or interfere in any way in any investigation connected with the enforcement of any ~~law or regulation~~Law, including Regulations, and further provided that the officialOfficial responsible for any such investigation shall inform the mayerMayor of information relating to such investigations when, and to the extent that, in the judgment of the responsible officialOfficial doing so: (1) will be in the interest of the cityCity; (2) will not impair the integrity of the investigation; and (3) is otherwise consistent with applicable lawLaw;

(n) Have the right to appear and speak before any boardBoard or Commission, committee, or agency ~~or commission~~ of the cityCity, except where the decision of the boardBoard or Commission, committee, or agency ~~or commission~~ is appealable on the record to the superior courtSuperior Court;

(o) Be the traffic authority of the cityCity as defined in the General Statutes, provided that this section shall not affect the powers of a parking authority formed pursuant to Chapter 100 of the General Statutes;

(p) Declare a public emergency that exists or threatens to arise involving or threatening the lives or property of inhabitants of the cityCity or property of the cityCity and mobilize, organize and direct the forces of the cityCity and call upon and cooperate with the forces of the state and other political subdivisions thereof. The mayerMayor may summon, marshal, deputize or otherwise employ other persons or do whatever the mayerMayor may deem necessary for the purpose of meeting the emergency. The mayerMayor may obligate the cityCity in an amount of money not to exceed one hundred

⁵⁸ 2022 modification of current Sec. 2(i) of Chapter V.

thousand dollars (\$100,000.00) to cope with such emergency until the ~~council~~Council convenes. The termination of the emergency shall be determined and declared by the ~~mayer~~Mayor, or by a vote of seven (7) members of the ~~council~~Council.

(q) Assign any employee of one (1) ~~department~~Department to the temporary performance of duties in another ~~department~~Department; subject to the provisions of the applicable collective bargaining agreements, and whenever the interests of the ~~city~~City require. No such temporary assignment shall last past the beginning of the next fiscal year.

(r) Assign employees or other staff to carry out the administrative duties of the various ~~boards~~Boards and ~~commissions~~Commissions of the ~~city~~City.

Sec. 3. - Organization of the office of the ~~mayer~~Mayor⁵⁹.

(a) **Appropriations.** The ~~mayer~~Mayor may appoint a chief of staff, legislative assistant, research assistant, personal secretary and receptionist, or equivalent positions for which the ~~council~~Council shall appropriate sufficient funds. In addition, the ~~mayer~~Mayor may employ such other staff necessary for the administration of official duties as the ~~council~~Council may provide. All such assistants and staff shall be appointed by the ~~mayer~~Mayor and shall serve at the pleasure of the ~~mayer~~Mayor and shall not be subject to the provisions of section 2(d) of Chapter IV of this Charter.

(b) **~~Chief operating officer~~Chief Operating Officer.** The budget shall provide for a ~~chief operating officer~~Chief Operating Officer, who shall be the principal managerial aide to the ~~mayer~~Mayor and shall perform such duties as may be assigned by the ~~mayer~~Mayor. The ~~chief operating officer~~Chief Operating Officer shall be an unclassified employee of the ~~city~~City and shall be appointed by and serve at the pleasure of the ~~mayer~~Mayor. Said ~~chief operating officer~~Chief Operating Officer shall be appointed on the basis of substantial executive and administrative experience, qualifications and knowledge.

(c) **~~Residency of department heads~~Department Heads and ~~chief operating officer~~Chief Operating Officer.** The ~~council~~Council may, by ~~ordinance~~Ordinance, establish standards for the residency of ~~department heads~~Department Heads and ~~chief operating officer~~Chief Operating Officer, subject to the requirements of the General Statutes.

Sec. 4. - Temporary absence or disability⁶⁰.

In the event that the ~~mayer~~Mayor is temporarily absent or disabled and is, because of such absence or disability, unable to the perform the duties of the ~~mayer's~~Mayor's office, the ~~council president~~Council President, or in the president's

⁵⁹ Election of 11-5-02

⁶⁰ Election of 11-5-02

absence or disability, such member as the ~~council~~Council shall designate, shall exercise the power of the ~~mayer~~Mayor, except that until such absence or disability of the ~~mayer~~Mayor has continued for thirty (30) ~~days~~Days, the acting ~~mayer~~Mayor shall not have power to appoint or remove officers or employees. The compensation for the acting ~~mayer~~Mayor shall be determined by the ~~council~~Council but shall in no event exceed in proportion the salary of the ~~mayer~~Mayor. Absence from the ~~city~~City shall not constitute temporary absence in the event the ~~mayer~~Mayor is in contact with the ~~chief~~Chief operating officer by electronic or voice communications. The ~~council~~Council shall provide by ~~ordinance~~Ordinance a procedure for determining said absence or disability.

Sec. 4. - Temporary absence or disability⁶¹.

(a) Notification by the Mayor⁶². In the event that the Mayor notifies the President of the Council of an inability to attend to the duties of office due to

- (1) temporarily absence from the City;**
- (2) temporary disability or sickness or other cause**

the President of the Council, or in the President's absence or disability, such member as the Council shall designate, shall exercise the power of the Mayor ("Acting Mayor"), except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees.

(b) Action by the Council: Evidential Determination⁶³. In the event the Mayor fails to notify the President of the Council under the provisions of §4(a) of this Charter, above, and it is determined that the Mayor is unable to attend to or perform the duties of office due to an unexplained and sustained absence from the Town, temporary disability or illness or absence or other cause, the Council may determine the temporary disability or absence of the Mayor by a vote seven (7) member of the Council present and voting. In such event the President of the Council shall exercise the power of Acting Mayor as set forth in §4(a) of the Charter, above. The determination of physical or mental disability or sickness or such other cause of incapacity to serve, shall be based upon the best evidence as presented by competent authority

(c) Absence. Defined⁶⁴. Absence from the City shall not constitute temporary absence in the event the Mayor is in contact with the Chief Operating Officer by electronic or voice communications.

⁶¹ Election of 11-5-02

⁶² 2022 recodification and modification of current Chapter V, Sec. 4 (first sentence).

⁶³ NEW (2022).

⁶⁴ 2022 recodification and modification of current Chapter V, Sec. 4 (third sentence).

(d) Procedural Ordinance⁶⁵. If necessary, the Council may provide by Ordinance a procedure for determining said absence or disability, consistent with the standard set forth herein.

(e) Compensation⁶⁶. The compensation for the Acting Mayor shall be determined by the Council but shall in no event exceed in proportion the salary of the Mayor.

(f) Status of the Council President. There shall be no Vacancy in the Office of the President of the Council when the President serves as Acting Mayor under this provisions of the Charter.

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⁶⁵ 2022 recodification and modification of current Chapter V, Sec. 4 (fourth sentence).

⁶⁶ 2022 recodification and modification of current Chapter V, Sec. 4 (second sentence).

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CHAPTER VI. ~~OTHER ELECTIVE OFFICES~~ THE CITY TREASURER

Sec. 1. - City ~~treasurer~~Treasurer⁶⁷.

There shall be a ~~city treasurer~~City Treasurer⁶⁸, who shall have the powers set forth in this Charter ~~or Ordinances, the General Statutes~~, or as otherwise provided by ~~law~~Law.

Compensation of the City Treasurer⁶⁹. The City Treasurer shall be paid an annual salary in an amount equal to six thousand (\$6,000.00) dollars less than the salary of the Mayor as set forth in section 1 of Chapter V of this Charter, commencing at 12:01 am on January 1, 2024. The salary of said Treasurer shall be adjusted to reflect any changes in such base salary, in accordance with the Constitution of the State of Connecticut at which time said salary may be further adjusted to reflect any changes as provided in sections 1(a) and 2(k) of Chapter IV of this Charter.

Sec. 2. – Powers and Duties of the City Treasurer.

(a) In ~~The city treasurer~~addition to the powers and duties specified elsewhere in this Charter or Ordinances and the General Statutes, the City Treasurer shall have the following responsibilities, ~~as well as any others set forth in this Charter, the General Statutes or by ordinance⁷⁰~~:

(1)(a) Custodian of ~~city~~City funds. Except as otherwise provided in or pursuant to any of the provisions to which reference is made in subparagraph (4d) below, the ~~city treasurer~~City Treasurer shall have custody of, and shall disburse, all funds belonging to the ~~city~~City and shall deposit the same in one (1) or more authorized public depositories. For purposes of this chapter, an "authorized public depository" shall be any bank and/or trust company that qualifies as qualified public depository under and pursuant to the General Statutes to the extent the same has been designated as such by the ~~council~~Council on the recommendation of the ~~mayor~~Mayor, following consultation with the ~~city treasurer~~City Treasurer⁷¹. For these purposes the City Treasurer is authorized to contract with all such qualified public depositories into which such funds are deposited⁷².

⁶⁷ Chapter VI, Sec. 1. Election of 11-5-02

⁶⁸ **Counsel: WHO SHALL BE AN ELECTOR AND RESIDENT OF THE CITY**

⁶⁹ **NEW (2022). 2022 Comment of the 2022 Charter Revision Commission:** The six thousand (\$6,000.00) dollar differential is derived from the differential between an administration law judge and the salary of a Superior Court Judge, as set forth in C.G.S. §31-277. The provisions of Chapter V, Sec. 1, including the inclusion of "accumulated cost of living adjustments" apply to the adjusted base salary of the City Treasurer.

⁷⁰ 2022 recodification of Chapter VI, Sec. 1 (a) Election of 11-5-02

⁷¹ 2022 recodification of Chapter VI, Sec. 1 (a)(1) [First two sentences]. Election of 11-5-02

⁷² NEW (2022)

(b) Treasurer of town deposit fund and capital improvement funds. Investment responsibilities.

(1) The ~~city treasurer~~City Treasurer shall have custody, and shall be treasurer, of the town deposit fund and the capital improvement fund as well as any trust or like funds which are established by or under this Charter or the General Statutes for any eleemosynary purposes by or for the benefit of the ~~city of Hartford~~City, its residents or any of its public parks, buildings or other improvements.⁷³

(2) In that capacity, the ~~city treasurer~~City Treasurer shall have authority to invest and reinvest the assets of all such funds in cash, securities and other investment instruments and/or vehicles which are legal for the investment of trust funds under the General Statutes, consistent with the fiduciary and other standards set forth in the Connecticut Uniform Prudent Investors Act.⁷⁴ The City Treasurer shall approve all disbursements from any such trust fund⁷⁵.

(3) Nothing herein shall be construed to prevent sinking funds and trust funds from continuing to be managed by the trust companies managing them at the effective date of this Charter, unless the appointment is revoked by the ~~council~~Council for cause.⁷⁶

(2)(4) Whenever a ~~vacancy~~Vacancy occurs in the management of any trust fund, or any trust fund is hereafter created, the ~~council~~Council shall have power, on the recommendation of the ~~city treasurer~~City Treasurer, to designate one (1) or more authorized public depositories to manage the same, which designation shall continue until revoked by the ~~council~~Council for cause.⁷⁷

(c) Disbursements⁷⁸. The ~~city treasurer~~City Treasurer shall make no disbursement from any funds of the ~~city~~City except by check or electronic transfer signed or authorized by the ~~city treasurer~~City Treasurer. Each check or transfer shall be based upon a voucher or payroll duly audited by the ~~director~~Director of ~~finance~~Finance. Before signing any check or authorizing any transfer the ~~city treasurer~~City Treasurer shall be satisfied that such check or transfer represents the payment of a duly authorized obligation of the ~~city~~City.

(1) Books and Records⁷⁹. The ~~city treasurer~~City Treasurer shall keep such books and records as the ~~director~~Director of ~~finance~~Finance shall prescribe.

⁷³ 2022 recodification of Chapter VI, Sec. 1 (a)(2) [First sentence]. Election of 11-5-02

⁷⁴ 2022 recodification of Chapter VI, Sec. 1 (a)(2) [Second sentence]. Election of 11-5-02

⁷⁵ NEW (2022)

⁷⁶ 2022 recodification of Chapter VI, Sec. 1 (a)(2) [Third sentence]. Election of 11-5-02

⁷⁷ 2022 recodification of Chapter VI, Sec. 1 (a)(2) [Fourth sentence]. Election of 11-5-02

⁷⁸ 2022 recodification of Chapter VI, Sec. 1 (a)(3)[First, second and third sentences]. Election of 11-5-02

⁷⁹ 2022 recodification of Chapter VI, Sec. 1 (a)(3)[Fourth sentence]. Election of 11-5-02

(3)(2) Official Bond⁸⁰. The ~~city treasurer's~~City Treasurer's official bond shall be a surety company bond in an amount sufficient to satisfy the requirements of the General Statutes and the ~~ordinances~~Ordinances.

(4)(d) The role of the ~~city treasurer~~City Treasurer with regard to ~~city~~City pension funds. The ~~city treasurer~~City Treasurer shall have the specifically delineated responsibilities pertaining to the care, custody and investment of the assets held in all of the various ~~of the pension and,~~ retirement and savings funds that are maintained on behalf of current and/or former city employees and their beneficiaries, and such powers incident to such responsibilities (including the power, upon approval of the ~~pension commission~~Pension Commission, to invest and reinvest the same and to enter contracts with qualified custodians, investment advisers and life insurance companies) all as and in the manner referred to in Chapter XII of this Charter.⁸¹ The City Treasurer shall be a fiduciary of such funds⁸².

(e) Management of the Pension Commission⁸³. The City Treasurer shall manage the operation of the Pension Commission, subject to review and authority of the Pension Commission.

(f) Interaction with the Council⁸⁴. The City Treasurer shall have the right to appear at and address the Council and to cause proposals pertaining to the functions of the City Treasurer relating to the administration of the Pension Commission to be included on the agenda of the Council.

Sec. 3. – Organization of the Office of the City Treasurer.

(a) Assistant ~~city treasurer~~City Treasurer⁸⁵. The ~~city treasurer~~City Treasurer shall appoint to serve at the ~~treasurer's~~Treasurer's pleasure an ~~assistant city treasurer~~Assistant City Treasurer and shall file with the ~~city clerk~~City Clerk a certificate of such appointment and the ~~city clerk~~City Clerk shall record such certificate in the minutes of the ~~council~~Council. said assistant shall perform such duties as may be required by the ~~city treasurer~~City Treasurer and shall have all the powers and duties of the ~~treasurer~~City Treasurer during the ~~city treasurer's~~City Treasurer's absence or disability.

(b) Other employees⁸⁶. Subject to the ~~personnel and~~ civil service provisions of this Charter and ~~ordinances the city treasurer~~any applicable collective bargaining

⁸⁰ 2022 recodification of Chapter VI, Sec. 1 (a)(3)[Fifth sentence]. Election of 11-5-02

⁸¹ 2022 recodification and modification of Chapter VI, Sec. 1 (a)(4) Election of 11-5-02

⁸² NEW (2022).

⁸³ NEW (2022).

⁸⁴ NEW (2022).

⁸⁵ 2022 recodification of Chapter VI, Sec. 1 (b) Election of 11-5-02

⁸⁶ NEW (2022).

~~agreements or employment contracts, the City Treasurer shall appoint and remove~~manage such ~~other~~ employees as ~~may be provided by ordinance.~~ are necessary and appropriate to perform the work of the City Treasurer's office. Subject to approval of the Pension Commission, and the terms of any employment contracts, the City Treasurer shall appoint and manage

~~Sec. 2. - Registrars of voters~~⁸⁷.

~~(b) The registrars of voters shall have such power~~employees and duties~~contractors~~ as are conferred or imposed on them by necessary and appropriate to perform the General Statutes and work of the provisions of this Charter. Pension Commission⁸⁸.

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⁸⁷ ~~Election of 11-5-02~~

⁸⁸ ~~2022 recodification of Chapter III, Sec. 2 moved to Chapter III, Sec. 6. Election of 11-5-02~~

CHAPTER VII. - BOARDS AND COMMISSIONS

Sec. 1. - **General requirements concerning membership on appointive ~~boards~~Boards and ~~commissions~~Commissions**⁸⁹.

(a) **Creation of ~~boards~~Boards and ~~commissions~~Commissions: number of members, terms**⁹⁰. In addition to those ~~boards~~Boards and ~~commission~~Commission established by this Charter, the ~~council~~Council shall by ~~ordinance~~Ordinance establish the number of ~~board~~Board and ~~commission~~Commission members (and, alternates, in the case of the ~~planning~~Planning and ~~zoning commission~~Zoning Commission and the ~~zoning board~~Zoning Board of ~~appeals~~Appeals), which shall always be odd and terms of office, which may be staggered. Any such ~~ordinance~~Ordinance shall make provision for the appointment of a chair, the keeping of records, and the frequency of ~~meetings~~Meetings of all ~~boards~~Boards and ~~commissions~~Commissions.

(1) ~~Appointment. The Role of Boards and Commissions~~⁹¹. The primary purpose of a Board or Commission is to serve the residents of the City in carrying out the policy, advisory and/or quasi-judicial or regulatory functions under its charge. Boards and Commissions serve as a conduit for citizen participation and input by gathering, analyzing and acting upon such information in order to meet the specific objectives as set forth under this Charter, Ordinances or other source of legal authority.

(2) ~~The Public Interest~~⁹². Members of Boards and Commissions are required to understand the role and scope of responsibility and be informed of the objectives, scope of responsibility and operating procedures of the Board or Commission to which they are appointed. Members should represent the public interest and not special interest groups and seek to render decisions on the basis of what is best for the residents of the City. Furthermore, members should take care that deliberations include thorough research and review of all alternatives on an issue prior to making a recommendation.

(i) ~~Regulatory Functions~~⁹³. In the case of members of regulatory Boards and Commissions, decisions should be evidence-based taking into account the interests of the public and fairness to the parties based upon application of the Law and any other pertinent documents.

(ii) ~~Department-based Policy and Administrative Functions~~⁹⁴. In the case of members of department-based Boards and Commissions, members serve as a communication link between the

⁸⁹ Election of 11-5-02

⁹⁰ Current Chapter VII, Sec. 1 (a). Election of 11-5-02

⁹¹ NEW (2022)

⁹² NEW (2022)

⁹³ NEW (2022)

⁹⁴ NEW (2022)

community, staff, and City presenting programs and recommendations and provide a channel for citizen expression. Members should establish a strong working relationship with Department Heads and other executives; however, at all times, members represent the public interest as opposed to the specific department interests under their jurisdiction. This is particularly true when a Board or Commission has an oversight function.

(b) Administrative Requirements for Boards and Commissions⁹⁵. All Boards and Commissions established by this Charter or by Ordinance are required to comply with the following requirements:

(1) Number of Members. Terms⁹⁶. The number of Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of boards or commissions, and this Charter, the number shall always be odd and the term of office shall not exceed a term of six (6) years, which may be staggered.

(b)(2) Chairs and Other Officers⁹⁷. Any such Ordinance shall make provision for (a) the appointment of a chair, such officers as may be necessary for its proper function and a delineation of the responsibilities of the presiding officer and other officers; (b) the keeping of records and posting of agendas as required by the General Statutes; (c) minority party representation as set forth in this Charter; (d) public participation (including the appointed members of the board of education, shall be, but not limited to, public speaking, comment and any applicable rules and protocols); and, (e) the frequency of regular Meetings of all Boards and Commissions and mandatory attendance requirements. The agendas of Boards and Commissions shall be approved by the Chair of such entity. The Mayor shall not serve as chair of any elective or appointed by the mayor as set forth in this Charter. All board or commission members shall serve until their successors have been appointed and qualified. Board or Commission.

(3) Vacancy⁹⁸. In the event of a vacancy on any board or commission, a successor may be appointed by the mayor, pursuant to **Quorum⁹⁹**. A majority of the total membership of each such Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.

⁹⁵ NEW (2022)

⁹⁶ NEW (2022)

⁹⁷ NEW (2022)

⁹⁸ **Transition provision.** The current members at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and confirmed. Moreover, the members of the commission on the city plan at the effective date of this Charter shall continue in office as members of the planning and zoning commission, mandated by this Charter, until the expiration of the member's term and until a successor is duly appointed and confirmed.

⁹⁹ NEW (2022)

(4) Meeting Frequency and Notice¹⁰⁰. Each Board or Commission shall meet as frequently as necessary to perform its duties; however, not less than monthly. Meetings may be cancelled with notice and disclosure to the public stating the reason for such cancellation; notwithstanding the foregoing, no Board or Commission shall cancel Meetings for two (2) consecutive months. Failure to obtain a quorum shall not be deemed a cancellation of a Meeting. The Chair, any two (2) members or the Mayor may call a Meeting of any appointive Board or Commission, provided each member is given Public Notice of not less than twenty-four (24) hours unless otherwise required by Law.

(5) Sunset Provision¹⁰¹. Before the first day of July of each year, the City Clerk shall report the following information to Common Council, in writing:

(i) Failure to Meet. The name of any Board or Commission as defined in section 2(e)4.A of Chapter V (subject to I of this Charter, which has not met during the preceding twelve (12) months; and

(ii) Abolition of Boards and Commissions. When any such Board or Commission is reported to the Common Council by the City Clerk as set forth herein, the Council shall within sixty (60) days after the receipt of such report, take action, by Resolution, to continue the existence of such Board. Should no such action be taken, the Board or Commission shall be abolished by operation of law.

(c)(iii) Exception. This provision shall not apply to Boards and Commissions set forth in section 2(da) – (e) of this Chapter IV of this the Charter, for the remainder of the term of office.

~~**(d) Publication of boards and commissions.** During the month of October of each year, the city clerk shall cause to be published at least once for general circulation within the city and shall post for thirty (30) days in a conspicuous location available to the public in the office of such city clerk a list of all the boards and commissions of the city. Any elector desirous of serving on any board, may express such desire in writing addressed to such city clerk who shall retain such correspondence on file for two (2) years. The appointing authority of any member of any board shall review such notices prior to making the appointment to such board.~~

~~**(e) Residency requirement.** Except as otherwise provided by ordinance, no person may serve on a board unless such person is an elector of the city. If any such person who is a member of a board shall move from the city, such person's membership on such board shall be immediately terminated.~~

¹⁰⁰ NEW (2022)

¹⁰¹ NEW (2022).

~~(f) **Conflict of interest.** In addition to all applicable conflict of interest provisions of the General Statutes and of the ordinances, no member of the planning and zoning commission, the zoning board of appeals, or any other board or commission set forth by ordinance shall participate in the hearing or decision if such participation would be a "prohibited activity" as defined in the General Statutes. However, if the council adopts a local ethics ordinance, as authorized by the General Statutes, said ordinance may establish a local standard applicable to members of boards and commissions.~~

~~(6) **Clerk**¹⁰². The City Clerk shall work with the Mayor and Department Heads to make certain that each Board or Commission has a clerk assigned to serve the function of said entity.~~

~~(7) **Records**¹⁰³. Each clerk of a Board or Commission shall keep a complete record of the Resolutions and other proceedings of the Board or Commission and shall have custody of its correspondence, files and other records in accordance with Law. All minutes and recordings of Meetings shall be filed with the City Clerk. All such records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the City website in compliance with the requirements of Law.~~

~~(8) **Public Access, Comment and Interaction**¹⁰⁴.~~

~~(i) **Remote and Direct Public Access to Boards and Commissions.** Each Board and Commission shall have capacity to receive remote, direct electronic or digital communications from the public. Said means of communication shall include those currently in existence or those to be created in the future and shall uniformly apply to all Boards and Commissions at any given time. Access to the such communications capacity shall be limited to the clerk and/or Chair of the Board or Commission both of whom shall be responsible for disseminating such information to the remaining members. The City Clerk working with appropriate City Officials shall facilitate assignment of such communications technologies to Boards and Commissions.~~

~~(ii) **Public Comment: Prior to and During Meetings.** Meetings of Boards and Commissions shall be open to the public in accordance with the General Statutes. Each Board and Commission shall make provision, in its rules, for a public comment period during, at least, one (1) Meeting per month.~~

~~(iii) **Executive Session and Other Legal or Regulatory**~~

¹⁰² NEW (2022).

¹⁰³ NEW (2022).

¹⁰⁴ NEW (2022).

Proceedings. Notwithstanding the foregoing, public comment may be limited or prohibited on agenda items covered by the Law pertaining to non-public Meetings¹⁰⁵ or executive sessions¹⁰⁶, by applicable provisions of collective bargaining agreement, if any; and, any Laws or agreements protective of the privacy rights, confidentiality or legal rights associated with any party before the Board or Commission. Notwithstanding the foregoing, Boards and Commissions should strive to permit public comment where possible in order to reach a balance between the public interest, contractual and legal obligations and avoiding prejudicial behavior in the decisions to be rendered; as may be determined by opinion of the Corporation Counsel.

~~(g)~~**(9) Minority party representation**¹⁰⁷. The political affiliation of the members of appointed ~~boards~~**Boards** or ~~commissions~~**Commissions** or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation.

~~(h)~~**(10) Compensation prohibited. Compensation prohibited.** No member of any appointive ~~board~~**Board or Commission** on which service is uncompensated as of June 1, 2002, shall receive compensation for services as such member.¹⁰⁸ Notwithstanding the foregoing, members may receive reimbursement for expenses related to service including transportation and child care and other services that will facilitate the diverse participation of Electors of this City¹⁰⁹.

(c) Appointment¹¹⁰. Except as otherwise provided by the General Statutes or authorized by this Charter, all members or alternate members of Boards or Commissions, including the appointed members of the Board of Education, shall be appointed by the Mayor, pursuant to section 2(e) of Chapter V (subject to section 2(d) of Chapter IV) of this Charter as set forth in this Charter. All Board or Commission members shall serve until their successors have been appointed and qualified.

(d) Vacancy¹¹¹. In the event of a Vacancy on any Board or Commission, a successor may be appointed by either the Mayor, pursuant to section 2(e) of Chapter V (subject to section 2(d) of Chapter IV) of this Charter or such other appointing authority as set forth in this Charter, subject to approval of a Majority Vote of the Council, for the remainder of the term of office.

¹⁰⁵ At the time of adoption of this charter amendment the applicable provision was C.G.S. §1-200(2).

¹⁰⁶ At the time of adoption of this charter amendment the applicable provision was C.G.S. §1-200(6).

¹⁰⁷ 2022 recodification of current Chapter VII, Sec. 1 (g). Election of 11-5-02

¹⁰⁸ 2022 recodification of current Chapter VII, Sec. 1 (h) (First sentence). Election of 11-5-02

¹⁰⁹ NEW (2022) (Second sentence).

¹¹⁰ 2022 modification and recodification of current Chapter VII, Sec. 1 (b). Election of 11-5-02. See also, Chapter VII, Sec. 4.

¹¹¹ 2022 modification and recodification of current Chapter VII, Sec. 1 (c). Election of 11-5-02

(1) Resignation: Notification of the City Clerk¹¹². The effective date of a Vacancy caused by resignation shall be the date said written resignation is received by the City Clerk. A resignation may be effectuated if an oral statement is made on the record of the Board or Commission and the approved minutes of said Meeting are transmitted to the City Clerk by the Chair.

(2) Effective Date¹¹³. The effective date of said resignation shall be the date of receipt by the City Clerk.

(3) Notification of the Mayor and Council President¹¹⁴. The City Clerk shall forthwith notify the Mayor and the President of the Council of any Vacancy within twenty-four (24) hours of receipt or knowledge. Said Clerk shall record the time of said notification for the purposes of section 1(c) of Chapter VII of this Charter.

(i)(e) Removal¹¹⁵. The ~~mayor~~Mayor may initiate proceedings to remove a member of any appointive ~~board, commission~~Board, Commission, or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. Rules of procedure for the removal of said member, and additional grounds for removal, shall be set by ~~ordinance~~Ordinance.

(f) Residency requirement¹¹⁶. Except as otherwise provided by Ordinance, no person may serve on a Board or Commission unless such person is an Elector of the City. If any such person who is a member of a Board or Commission shall move from the City, such person's membership on such Board or Commission shall be immediately terminated.

(g) Representation on Boards and Commissions¹¹⁷. The Mayor and other appointing authorities are required to consider appointments to ensure that, to the fullest extent possible, the composition of Boards and Commission reflect the diversity of the residents and the geographic areas of the City.

(1) Diversity. Boards and Commissions should reflect the diversity, including the race, color, ethnicity, religious creed, age, sex, national origin, ancestry, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability and cultural make-up of the City in order to achieve a representative balance of its residents. Moreover, Hartford is committed to

¹¹² NEW (2022).

¹¹³ NEW (2022).

¹¹⁴ NEW (2022).

¹¹⁵ 2022 recodification of current Chapter VII, Sec. 1 (i). Election of 11-5-02

¹¹⁶ 2022 recodification of current Chapter VII, Sec. 1 (e). Election of 11-5-02

¹¹⁷ NEW (2022).

ensuring fair representation on all Boards and Commissions. The Boards and Commissions of the City should include balanced geographic representation from throughout the City.

(2) Backgrounds. Of equal weight with the foregoing requirements, the Mayor and other appointing authorities are obligated to take into consideration a diversity of backgrounds, life experience, expertise, as well as personal integrity and a commitment to ensuring an ethical and transparent local government.

The Mayor and Council, when examining new candidates for appointment to Boards and Commissions are required to give due consideration to recommendations made by representatives of Outreach Organizations as set forth in Sec. 1(j)(iv) of this Chapter of the Charter.

(h) Required Cooperation¹¹⁸. Each Official¹¹⁹ and employee of any Department¹²⁰ of the City shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational and management policies of the Department.

(i) Conflict of interest¹²¹. In addition to all applicable conflict of interest provisions of the General Statutes, this Charter and of the Ordinances, no member of the Planning and Zoning Commission, the Zoning Board of Appeals, or any other Board or Commission set forth by Ordinance shall participate in the hearing or decision if such participation would be a "prohibited activity" as defined in the General Statutes. However, if the Council adopts a local ethics Ordinance, as authorized by the General Statutes, said Ordinance may establish a local standard applicable to members of Boards and Commissions.

(j) Administration of Boards and Commissions:

(i) The Role of the City Clerk¹²². The City Clerk shall (a) be the filing repository of interested applicants to Boards and Commissions and shall notify the Mayor's office and President of the Council of all such applicants; (b) post all agendas and minutes of Boards and Commissions in the office of the City Clerk; (c) notify the Mayor and Council President of all noticed vacancies and openings on Boards and Commissions and shall record the time of said notification; (d) swear in all approved appointing authority appointments; and; (e) record all

¹¹⁸ NEW (2022)

¹¹⁹ "Official" replaces "officer".

¹²⁰ "Department" includes the deleted term "...or agency...".

¹²¹ 2022 recodification of current Chapter VII, Sec. 1 (f). Election of 11-5-02

¹²² NEW (2022).

approved appointments and sworn oaths as required by the Connecticut General Statutes.

(ii) The Role of the Mayor¹²³. The Mayor's office shall (a) maintain records of incumbency of Boards and Commission by list; (b) provide the City Clerk with a quarterly update of the list; and, (c) be responsible for notifying the Council of a Vacancy or when a term of a member is to expire, in the latter case, at least three (3) months prior to the end of the term.)

(iii) Publication of Boards and Commissions: Applicant Pool¹²⁴. For the purposes of creating an applicant pool during the month of October of each year, the City Clerk shall cause to be published on the City web-site; posted for thirty (30) Days in a conspicuous location available to the public in the office of the City Clerk and in such location in City Hall as designated by the Mayor; and, if practicable or deemed necessary by the Mayor, published at least once for general circulation within the City a list of all the Boards and Commissions of the City. Any Elector desirous of serving on any Board or Commission, may express such desire in writing addressed to such City Clerk who shall retain such correspondence on file for two (2) years. The appointing authority of any member of any Board or Commission shall review such notices prior to making the appointment to such Board or Commission.

(a) Publication of Vacancies on Boards and Commissions¹²⁵. In addition, following receipt of the City Clerk's notice to the Mayor¹²⁶ of a Vacancy or opening on a Board or Commission, the Mayor shall provide Public Notice that such position is subject to appointment, at least two (2) weeks prior to filling of the position. The Mayor shall publish or post, as the case may be, such notice on the City web-site and other electronic media, including social media and other methods of reaching the public; in a conspicuous location available to the public in the office of the City Clerk and in such location in City Hall as designated by the Mayor; and, if practicable, in a newspaper of local availability to the residents of the City.

(b) Public Communications. The Mayor shall invite the Electors of the City who are interested in serving to apply by submitting their name, address and qualifications, in writing, for membership on such Board or Commission to the City Clerk. Any Elector desirous of serving on any Board or Commission may express such desire in writing addressed to the City Clerk who shall forward such correspondence and a list of all candidates for the position to the Mayor or other such appointing authority who shall retain such correspondence on file for two

¹²³ NEW (2022).

¹²⁴ 2022 modification and recodification of current Chapter VII, Sec. 1 (d). Election of 11-5-02

¹²⁵ NEW (2022).

¹²⁶ See, C.G.S. §7-193(b).

(2) years.

(c) **Nominations to the Council.** The Mayor shall nominate an individual from this list and submit the nomination to the Council, as set forth in Sec. 1(c) of Chapter VII of this Charter, which shall approve or disapprove the Mayor's selection. Moreover, the appointing authority of any member of any Board or Commission shall review such notices prior to making the appointment to such Board or Commission.

Additional **Sec. 2. - Appointive boards and commissions required by the Charter.**

(iv) ~~The following boards and commissions shall be established, by ordinance~~**Public Outreach: Outreach Organizations**¹²⁷. In addition to the publication requirements of this section, the Mayor and the City Clerk shall engage in outreach efforts, including, but not limited to the following in order to solicit candidates for positions on Boards and Commissions: political, religious, community-based, social, mutual benefit organizations, civic and business organizations.

Sec. 2. - Appointive Boards and Commissions required by the Charter.

The following Boards and Commissions shall be established, by Ordinance, subject to the provisions and powers enumerated in the General Statutes, Special Acts and this Charter:

(a) Internal ~~audit commission~~**Audit Commission**¹²⁸. Said ~~internal audit commission~~**Internal Audit Commission** and a unit or department, as shall be further set forth in ~~section 2-41(a) of the Municipal Code, as amended or otherwise modified by ordinance of Ordinances~~¹²⁹, shall have authority to examine into all matters relating to the integrity, efficiency and efficacy of the government of the ~~city~~**City**, including the ~~board~~**Board** of ~~education~~**Education**. The ~~commission~~**Commission** (and the head of the internal audit unit) shall give due consideration to requests from the ~~council~~**Council** or any member thereof and from the ~~mayer~~**Mayor** in establishing and modifying the work plan of the ~~commission~~**Commission** or its staff.

(1) **Membership and Term**¹³⁰. Notwithstanding the provisions of this Charter pertaining to the establishment of ~~commissions~~**Boards and Commissions**, said ~~commission~~**Commission** shall consist of three (3) members, ~~no more than two (2) of whom are~~ each appointed for a term of four (4) years. The Commission shall comply with the provisions of section 1(b)(9) of this Chapter of the Charter with respect to minority party representation. The

¹²⁷ NEW (2022)

¹²⁸ 2022 modification of Sec. 2(a) Election of 11-5-02

¹²⁹ Note: At the time of adoption in 2022 the Internal Audit Commission was set forth in Sec. 2-41 of the Code of Ordinances

¹³⁰ 2022 modification of current Section 2(a)(1) of Chapter VII.

members of the ~~same political party.~~ The members of the ~~commission~~Commission shall have professional experience in the fields of accounting, management or financial analysis. ~~One (1) member of the commission shall be appointed by majority vote of the council; one (1) member of the commission and~~ shall be appointed by, as follows:

~~(i) The President of the city treasurer; and~~Council shall appoint one (1) member of the ~~commission shall be appointed by majority vote~~Commission, subject to confirmation by a Majority Vote of the Council;

~~(ii) The Treasurer shall appoint one (1) member of the Commission, subject to confirmation by a Majority Vote of the council~~Counsel; and,

~~(1)(iii) The Council shall approve, by a Majority Vote of the Council one (1) member of the Commission, from two (2) candidates selected by the ten (10) largest owners of taxable property as determined by the most recent grand list~~MetroHartford Alliance, or successor organizations, in accordance with a procedure to be established by ordinanceOrdinance. Notwithstanding the provisions of the Charter or the Ordinances enacted thereunder¹³¹, the MetroHartford Alliance shall make best efforts to recommend Hartford residents.

~~(2) Annual internal audit budget.~~ The ~~internal audit commission~~Internal Audit Commission shall adopt and forward to the ~~mayer~~Mayor, in accordance with the procedures and timetable established for other ~~city~~City departments, a proposed annual budget. The ~~mayer's~~Mayor's budget shall include, and the ~~council~~Council shall appropriate, for support of the internal audit unit at least the amount necessary to maintain the staffing of the unit as approved in the previous annual budget unless the ~~commission~~Commission requests a smaller amount.

~~(3) Internal audit unit.~~ The ~~ordinance~~Ordinance shall include the provision of employees of an internal audit unit in numbers reasonable to conduct the examinations required by the ~~commission~~Commission. The ~~commission~~Commission may authorize the employees or consultants of the unit to cause such examinations as permitted by this provision of the Charter and the pertinent implementing ~~ordinances~~Ordinances. Said internal audit unit shall

¹³¹ ~~Comment of the 2022 Charter Revision Commission. At the time of the adoption of this provision Code Sec. 2-41(g) entitled "Internal audit commission – residency requirement" reads as follows: "The residency requirements of Chapter VII, section 1(e) of the Charter do not apply to members of the commission." This exception is permitted by Chapter III, Sec. 1(f) of the Charter, which reads as follows: "Residency requirement. Except as otherwise provided by ordinance, no person may serve on a Board or Commission unless such person is an Elector of the City. If any such person who is a member of a Board or Commission shall move from the City, such person's membership on such Board or Commission shall be immediately terminated" (emphasis added).~~

report to and be under the direction of the ~~commission~~Commission as further set forth by ~~ordinance~~Ordinance.

(i) *Head of the internal audit unit: qualifications.* The head of the internal audit unit shall be appointed by the ~~commission~~Commission. The head of the internal audit unit shall be a member of the ~~classified service~~Classified Service, shall be certified as an internal auditor or fraud examiner and shall have an advanced degree in accounting, business management, or a related field as set forth by the ~~commission~~Commission or by ~~ordinance~~Ordinance.

(ii) *Reports of the unit.* All reports of the internal audit unit, including any responses thereto, shall be public and shall be submitted to the ~~council~~Council and to the mayor.

(iii) *Procedures.* The ~~council~~Council shall by ~~ordinance~~Ordinance specify the procedures the internal audit unit shall follow, including a requirement of a written response by any individual or the head of a department, agency or office cited in an internal audit report.

(b) **Committee on ~~abatement~~Abatement of ~~taxes~~Taxes and ~~assessments~~Assessments**¹³². Said ~~committee~~Committee on ~~abatement~~Abatement of ~~taxes~~Taxes and ~~assessments~~Assessments, shall have and exercise all the powers pertaining to (1) the abatement of taxes and assessments heretofore or hereafter conferred by ~~law~~Law on the ~~council~~Council or any committee, ~~board~~Board, Commission or officer of the ~~city~~City; (2) the abatement of taxes and assessments on dwelling units constructed by a private, nonprofit corporation for the public purpose of providing relocation housing under section 221 of the National Housing Act, as amended. Such abatements shall reflect the amounts necessary to maintain rent levels for such housing within the financial reach of families to be relocated, as approved by the ~~council~~Council, and such abatements shall be subject to review annually.

Membership. Notwithstanding the provisions of this Charter pertaining to the establishment of ~~commissions~~Boards and Commissions, said ~~committee~~Committee shall consist of the ~~city treasurer, director~~City Treasurer, Director of financeFinance and ~~corporation counsel~~Corporation Counsel.

(c) **Board of ~~assessment appeals~~Assessment Appeals**¹³³. There shall be a ~~board~~Board of ~~assessment appeals~~Assessment Appeals. Said ~~board~~Board shall be the successor to the ~~board~~Board of ~~tax review~~Tax Review and shall have all the powers of said ~~board~~Board of ~~tax appeals~~Tax Appeals as set forth under the General Statutes, special statutes or ~~ordinance~~Ordinance, as may be amended from time to time.

¹³² Election of 11-5-02

¹³³ Election of 11-5-02

(1) Membership¹³⁴. Each member of the ~~board~~Board of ~~assessment appeals~~Assessment Appeals at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The ~~board~~Board of ~~assessment appeals~~Assessment Appeals shall consist of three (3) persons:

(i) ~~two~~ (2) appointed by the ~~mayer~~Mayor; and ~~confirmed,~~

(ii) ~~one~~ (1) appointed by the President of the Council,

subject to confirmation by a Majority Vote of the Council in accordance with section 2(d) of Chapter IV of this Charter.

(1)~~(2)~~ Term ~~council, one~~ and Qualification¹³⁵. ~~One~~ (1) member to be appointed each year for a term of three (3) years, each of whom shall be selected for their knowledge of taxation and real estate values. Said Board shall comply with the provisions of section 1(b)(9) of this Chapter of the Charter with respect to minority party representation.

(2)~~(3)~~ Powers and duties¹³⁶. The ~~board~~Board of ~~assessment appeals~~Assessment Appeals shall have the same powers and perform the same duties as boards of assessment appeals of ~~towns~~municipalities. The ~~board of assessment appeals~~Board shall act in accordance with the provisions ~~of~~ the General Statutes applicable to the board of assessment appeals of ~~towns~~municipalities.

(d) Planning and zoning ~~commission~~ Zoning Commission¹³⁷. Said ~~planning~~Planning and ~~zoning commission~~Zoning Commission shall be comprised of individuals with skills and knowledge in related fields such as planning (including current involvement in the field), architecture, landscape architecture, real estate, or law. Said ~~commission~~Commission shall have all the powers and duties of both a planning commission and a zoning commission under the General Statutes and, upon the effective date of this provision, shall supersede the commission on the city plan as the ~~city's~~City's planning commission and the ~~council~~Council as the ~~city's~~City's zoning commission. All ~~ordinances~~Ordinances and ~~regulations~~Regulations adopted by the ~~council~~Council related to planning and zoning prior to the effective date of this provision shall continue in full force and effect until modified, repealed or superseded in accordance with this Charter and the General Statutes. The decisions of the ~~planning~~Planning and ~~zoning commission~~Zoning Commission shall be consistent with the plan of conservation and development, as required by the General Statutes, unless the ~~commission~~Commission concludes that changes in circumstances since the

¹³⁴ 2022 modification of current Sec. 2(c)(1) of Chapter VII.

¹³⁵ 2022 modification of current Sec. 2(c)(1) of Chapter VII.

¹³⁶ 2022 modification of current Sec. 2(c)(2) of Chapter VII.

¹³⁷ Election of 11-5-02

adoption of the plan of development support a deviation from the plan. The ~~commission~~Commission shall set forth the basis for any deviation from the plan of development in its decision.

(1) Membership and Term¹³⁸. Said Commission shall consist of seven (7) members and three (3) alternates each appointed for a term of four (4) years. Each member of the Planning and Zoning Commission at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The Commission and alternates shall be appointed in compliance with the provisions of section 1(b)(9) of this Chapter of the Charter with respect to minority party representation; and, each Meeting shall endeavor to assure that hearing panels are in compliance therewith:

(i) Five (5) appointed by the Mayor; and,

(ii) Two (2) appointed by the President of the Council,

subject to confirmation by a Majority Vote of the Council in accordance with section 2(d) of Chapter IV of this Charter.

(2) Alternates¹³⁹. Each alternate member of the Planning and Zoning Commission at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The alternates shall consist of three (3) persons:

(i) Two (2) appointed by the Mayor; and,

(ii) One (1) appointed by the President of the Council,

subject to confirmation by a Majority Vote of the Council, in accordance with section 2(d) of Chapter IV of this Charter.

(3) Term and Qualification¹⁴⁰. One (1) member to be appointed each year for a term of three (3) years, each of whom shall be selected for their knowledge of taxation and real estate values. Said Board shall comply with the provisions of section 1(b)(9) of this Chapter of the Charter with respect to minority party representation.

(1)(4) Duty to plan¹⁴¹. It shall be the duty of the ~~commission~~Commission to prepare and recommend from time to time, as required by the General Statutes, but no less than every ten (10) years, a plan of conservation and

¹³⁸ NEW (2022). Derived from Sec. 1.2.1.A(1) of the Zoning Code.

¹³⁹ NEW (2022). Derived from Sec. 1.2.1.A(2) of the Zoning Code.

¹⁴⁰ NEW (2022). Derived from Sec. 1.2.1.A(3) of the Zoning Code.

¹⁴¹ 2022 modification of current Section 2(d)(1) of Chapter VII.

development for the ~~city~~City or any portion thereof. Said plan shall include all requirements of the General Statutes pertaining to such plans and any other criterion set forth by the ~~commission~~Commission in the exercise of its zoning function.

~~(2)(5) Duties in relation to capital budget¹⁴². The ~~commission~~Commission shall ~~prepare and revise annually a program of public improvements for the ensuing five (5) years and shall submit annually to the mayor, at~~have such ~~time~~responsibilities as the ~~mayor shall direct, its recommendations of such projects to be undertaken set forth~~ in the ~~ensuing fiscal year and in the full five-year period~~Chapter X, Section 2.C.(2) of this Charter.~~

~~(3)(6) Certain ~~ordinances~~Ordinances to be referred to ~~planning~~Planning and ~~zoning~~Zoning Commission¹⁴³. Every ~~ordinance~~Ordinance or ~~resolution~~Resolution of the ~~council~~Council relating to the location of any street, bridge, boulevard, esplanade, square, park, playground, playfield, aviation field, parking space, public building, or to the facilities or terminal of any public utility, shall be at once referred to the ~~planning and zoning~~Commission and ~~final action~~Final Action shall not be taken on any such Ordinance or ~~resolution~~Resolution until the ~~commission~~Commission shall have reported thereon, provided the ~~council~~Council may establish by ~~ordinance~~Ordinance a period of not less than sixty (60) days within which the ~~commission~~Commission shall file its report with the ~~city clerk~~City Clerk and if no report is filed within such period the approval of the ~~commission~~Commission shall be assumed.~~

(e) Zoning ~~board~~Board of ~~appeals~~Appeals¹⁴⁴. There shall be a ~~zoning board~~Zoning Board of ~~appeals~~Appeals, which shall hear appeals as set forth in the General Statutes. The chair of the ~~board~~Board and in the chair's absence the acting chair shall have the power to administer oaths and compel the attendance of witnesses. Any person who fails to obey a lawful subpoena of said chair or acting chair shall be fined not more than one hundred dollars (\$100.00) or the maximum amount set forth in the General Statutes and enacted by ~~ordinance~~Ordinance or imprisoned not more than thirty (30) days or both.

~~(1) Membership¹⁴⁵. Each member of the Zoning Board of Appeals at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The Board shall consist of five (5) persons. Said Board shall be appointed in compliance with the provisions of section 1(b)(9) of this Chapter of the Charter with respect to minority party representation and, each Meeting shall endeavor to assure that hearing panels are in compliance therewith:~~

¹⁴² 2022 modification of current Section 2(d)(2) of Chapter VII.

¹⁴³ 2022 Modification of current Section 2(d)(3) of Chapter VII.

¹⁴⁴ Election of 11-5-02

¹⁴⁵ NEW (2022)

(i) Four (4) appointed by the Mayor; and,

(ii) One (1) appointed by the President of the Council,

subject to confirmation by a Majority Vote of the Council in accordance with section 2(d) of Chapter IV of this Charter.

(2) **Alternates**¹⁴⁶. Each alternate member of the Zoning Board of Appeals the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The alternates shall consist of three (3) persons:

(i) Two (2) appointed by the Mayor; and,

(ii) One (1) appointed by the President of the Council,

subject to confirmation by a Majority Vote of the Council, in accordance with section 2(d) of Chapter IV of this Charter.

(3) **Term and Qualification**¹⁴⁷. Each member and alternate to be appointed each year for a term of three (3) years. Said selection of alternates shall comply with the provisions of section 1(b)(9) of this Chapter of the Charter with respect to minority party representation.

(4) **Violation, punishment and remedies pertaining to zoning regulations**¹⁴⁸. Zoning ~~regulations~~**Regulations** as provided in this Charter shall be enforced by such employees of the ~~city~~**City** as the ~~council~~**Council** may by ~~ordinance~~**Ordinance** designate. Violations of such ~~regulations~~**Regulations** shall be punished and such other remedies shall be available as provided in sections 8-12 and 8-12a of the General Statutes and any amendments thereto.

Sec. 3. - Appointive ~~boards~~Boards** and ~~commissions~~**Commissions** required by ~~ordinance~~**Charter**¹⁴⁹.**

The ~~council~~**Council** shall adopt Ordinance setting forth the organizational structure and powers of the following Boards and Commission, consistent with the requirements of this Charter:

¹⁴⁶ NEW (2022)

¹⁴⁷ NEW (2022)

¹⁴⁸ 2022 modification of current Sec. 2(e) of Chapter VII.

¹⁴⁹ ~~Election of 11-5-02~~ NEW (2022).

(a) Police Accountability Review Board¹⁵⁰. A Police Accountability Review Board, which shall perform advisory functions with respect to the policies, operation, management and independent civilian oversight of the Police Department (as established under the authority General Statutes, including, but not limited to C.G.S. §7-148(c)(4)(A) and §7-148(c)(7)(H) and Chapter VIII, section 4(a) of this Charter).

(b) Civilian Police Review Board and Inspector General¹⁵¹. A Civilian Police Review Board and Inspector General in accordance with Law, including, but not limited to the General Statutes and any agreements sanctioned by judicial authority. The Civilian Review Board shall adopt and forward to the Mayor, in accordance with the procedures and timetable established for other City Departments, a proposed annual budget. The Mayor's budget shall include, and the Council shall appropriate, for support of the Civilian Police Review Board at least the amount necessary to maintain the staffing of the unit, including the funding of the Inspector General, as approved in the previous annual budget unless the Board requests a smaller amount.

(c) Ethics Commission¹⁵². An Ethics Commission in accordance with the provisions of the General Statutes.

Sec. 4. - Appointive Boards and Commissions required by Ordinance¹⁵³.

The Council may establish, by ordinance Ordinance, such boards Boards and commissions Commissions as are necessary to effectuate the powers and purposes of the city City as enumerated in the General Statutes, Special Acts and this Charter.

Sec. 45. - Appointive boards Boards and commissions Commissions required by Special Act¹⁵⁴.

(a) The Pension ~~commission~~ Commission¹⁵⁵.

(1) Special Act Authority. The ~~pension commission~~ Pension Commission established under authority of "An Act Revising the Charter of the City of Hartford," Sp. Laws No. 547, approved June 24, 1941 (the "1941 Charter"),

¹⁵⁰ NEW (2022). **2022 Charter Revision Commission Commentary.** At the time of the adoption there is in effect a Resolution of the Court of Common Council Regarding the Hartford Police Accountability Review Boards, Adopted June 8, 2021" which addresses many of the issues reviewed by the Commission in the formulation of this requirement.

¹⁵¹ NEW (2022). **2022 Charter Revision Commission Commentary.** At the time of the adoption a Civilian Police Review Board and Inspector General are in full force and effect as set forth in Sec. 2-196 of the Code of Ordinances.

¹⁵² NEW (2022). **2022 Charter Revision Commission Commentary.** At the time of the adoption an Ethics Commission is in full force and effect as set forth in Sec. 2-908 of the Code of Ordinances.

¹⁵³ 2022 modification of current Sec. 3 of Chapter VII. Recodification Election of 11-5-02

¹⁵⁴ Election of 11-5-02

¹⁵⁵ Election of 11-5-02. Modification of 2002 Charter (2022).

"An Act Revising the Charter of the City of Hartford," Sp. Laws 1947, Act No. 30, approved May 1, 1947, (the "1947 Charter"), and Chapter XVII of the Charter of the City of Hartford, designated Ordinance Number 28-67 (the "1967" Charter) as the same has have been amended from time to time by special acts of the General Assembly and/or Ordinances, shall continue in existence and have all the rights, powers and responsibilities referred to in this Chapter VII and in Chapter XII of this Charter¹⁵⁶. All the provisions of sections 233, 234 and 235 of "An Act Revising the Charter of the City of Hartford," Sp. Laws No. 547, approved June 24, 1941 [sections 11, 21 and 22 of the Code of Special Act Authority; see, Sec. 4(b), below], as the same have been amended from time to time by special acts of the General Assembly and/or Ordinances (said provisions, as amended, being hereinafter referred to as the "1941 Act"), and all of the provisions of Chapter XVI of "An Act Revising the Charter of the City of Hartford," Sp. Laws 1947, Act No. 30, approved May 1, 1947 [sections 6, through 10 of said Code of Special Act Authority], as the same have been amended from time to time by special acts of the General Assembly and/or Ordinances (said chapter as amended and renumbered, being hereinafter referred to as the "1947 Act"), shall continue in existence, unaffected by this charter¹⁵⁷.

(2) Statutory and Charter Authority¹⁵⁸. The City is also authorized to create a Pension Commission by C.G.S. §7-148 and Chapter VII of this Charter.

(3) Validation and Codification of Special Act Authority: Code of Special Act Authority¹⁵⁹. Said Special Act and historical Charter provisions referenced in Sec. 4(a), above, of this chapter of the Charter as well as Special Acts pertaining to employees, pensions and retirements are hereby validated, codified and contained in a separate document entitled "Historic and Special Act Provisions Pertaining to Employees, Pensions and Retirements," ("Code of Special Act Authority") which shall be filed with and codified by the Office of the

¹⁵⁶ 2022 recodification and modification of the first paragraph of Chapter VII, Sec. 4 of the 2002 Charter. Election of 11-5-02.

¹⁵⁷ 2022 recodification of Chapter XII, Sec. 1. Election of 11-5-02.

¹⁵⁸ NEW (2022). **Comment of the 2022 Charter Revision Commission:** The fourth sentence of Sec. 2A-3 of Chapter 2 of the Code of Ordinances includes the following provision pertaining to the jurisdiction of the Pension Commission: "The pension commission shall continue to administer the retirement system for city employees as provided in section 233 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, and shall succeed to all the powers and duties of the board of police commissioners as trustees of the police benefit fund and of the board of fire commissioners as members of the board of trustees of the firemen's relief fund. The pension commission shall administer the municipal employees' retirement fund as hereinafter established."

¹⁵⁹ NEW (2022). **Comment of the 2022 Charter Revision Commission:** The Code of Special Act Authority also includes Special Act and historical Charter provisions pertaining to employees, pensions and retirements. Many of these provision do not apply to the vast majority, if not the entirety of current and retired employees, and have been ratified and recodified for the sole purpose of ensuring that any covered retirees retain such rights as may be granted herein. The Code is not intended to confer any new rights upon any employee or retiree in lieu of current rights under law and collective bargaining agreement.

Treasurer and the City Clerk.

(4) Membership¹⁶⁰. Notwithstanding the provisions of ~~this charter~~the Charter pertaining to the establishment of commissions, there shall be a Pension Commission of three (3) voting members~~of the pension commission~~, none of whom shall hold any other office in the ~~city~~City government and ~~at least~~ one (1) of whom shall be a fellow or associate of either the Actuarial Society of America or the American Institute of Actuaries. ~~Each of such members shall be appointed by the mayor, to be appointed one each year for a term of three (3) years commencing on the first Monday of the month of February.~~

(i) Appointment Authority: Staggered Terms. Notwithstanding the provisions of this Charter pertaining to the establishment of Boards and Commissions, there shall be three (3) voting members of the Pension Commission, none of whom shall hold any other office in the City government and at least one (1) of whom shall be a fellow or associate of either the Actuarial Society of America or the American Institute of Actuaries. Each of such members shall be appointed by the Mayor for staggered three (3) year terms, one (1) each commencing on the first Monday of each successive February. In addition to the three (3) voting members there shall be one (1) non-voting member of the ~~commission~~Commission elected by contributing members of the municipal employees' retirement fund. The members of the ~~pension commission~~Pension Commission in office at the effective date of this provision shall continue in office until the expiration of their terms.

(ii) Vacancies¹⁶¹. Vacancies shall be filled by the Appointing Authority for the vacated position for the unexpired portion of the term, subject to approval by the Council.

(iii) Non-Voting Member¹⁶². In addition to the three voting members, there shall be one nonvoting member of the Commission elected by active members of the municipal employees' retirement fund to a three- year renewable term, whose election shall not be subject to any other approval.

¹⁶⁰ Recodification and modification of the first sentence of Chapter VII, Sec. 4(1) of the 2002 Charter. Election of 11-5-02. **Comment of the 2022 Charter Revision Commission:** This language is inexplicably contained in the 1st sentence of Sec. 2A-3 of Chapter 2 of the Code of Ordinances.

¹⁶¹ Comment of the 2022 Charter Revision Commission. Vacancies are covered by Sec. 1(c) of Chapter VII and the second sentence of Sec. 2A-3 of Chapter 2 of the Code of Ordinances.

¹⁶² Recodification and modification of the third sentence of Chapter VII, Sec. 4(1) of the 2002 Charter. Election of 11-5-02. NEW (2022). **Comment of the 2022 Charter Revision Commission.** This provision is in lieu of the final sentence of Sec. 2A-3 of Chapter 2 of the Code of Ordinances.

(iv) Continuity of Membership¹⁶³. All members of the Pension Commission shall continue in office until their successors have been appointed and qualified, or in the case of the employees' representative, elected.

(2)(v) Role of the ~~city treasurer and director of human resources~~ City Treasurer as Secretary of the Pension Commission and Director of Human Resources¹⁶⁴. The ~~city treasurer~~ City Treasurer shall act as secretary of the ~~commission~~ Commission and the ~~director~~ Director of ~~human resources~~ Human Resources shall attend all ~~meetings~~ Meetings of the ~~commission~~ Commission, but neither shall have a vote.

(5) ~~Duties~~ Role of the ~~commission~~ Pension Commission¹⁶⁵. The ~~commission~~ Commission shall continue to administer, manage, and invest the Municipal Employees' Retirement Fund and all of the retirement programs, benefits, systems, and funds of the ~~city~~ City, (all together known as the "Retirement Plan") as set forth in Chapter XII of this ~~charter and the~~ Charter, and as authorized by any and all applicable General Statutes, Special Acts, provisions of this Charter, Ordinances, Resolutions, or collective bargaining agreements.

(6) Historical Authority of the Pension Commission¹⁶⁶. The Pension Commission shall retain its powers and duties as set forth in the Code of Special Act Authority with regard to the former retirement system for City employees, and all the powers and duties of the Board of Police Commissioners as trustees of the former police benefit fund and of the Board of Fire Commissioners as members of the board of trustees of the former firemen's relief fund. The relevant provisions of the Special Acts powers in the charters referenced herein are hereby ratified and shall remain in full force and effect to the extent applicable to any persons covered by said provisions.

¹⁶³ 2022 recodification and modification of the fourth sentence of Chapter VII, Sec. 4(1) of the 2002 Charter. Election of 11-5-02.

¹⁶⁴ 2022 recodification of Chapter VII, Sec. 4(2).

¹⁶⁵ 2022 recodification and modification of Chapter VII Sec. 4(3) and Chapter XII, Sec. 1(a). **Comment of the 2022 Charter Revision Commission:** This authority builds upon that set forth in the Code of Special Act Authority and incorporates the authority set forth in Chapter XII, Sec. 1(a) of the Chapter adopted on 11-5-02, as follows: "The pension commission established under authority of the 1947 Act, and referred to in Chapter VII, section 4 of this Charter, shall continue to administer the municipal employees' retirement fund (the "MERF") and the 415(m) fund, so-called, established under the 1947 Act, as well as each of the police benefit fund, firemen's relief fund and retirement system for city employees established under the 1941 Act, and, in so doing, shall also continue to have responsibility to review and, as appropriate, approve and monitor, all investments of the MERF's assets as well as any contracts relating to the care, custody and/or procurement of investment advice with respect to said assets, and/or procurement of any annuities from any life insurance companies with such assets, all as and in the manner provided in the 1947 Act".

¹⁶⁶ NEW (2022).

(7) Powers and Duties.

(i) Review, Approve and Monitoring Functions¹⁶⁷. The Pension Commission shall have responsibility to review and, as appropriate, approve, and monitor all assets and investments of the Municipal Employees' Retirement Fund and of the Retirement Plan.

(ii) Procurement¹⁶⁸. The Pension Commission shall have the authority to (a) procure and enter into multi -year contracts; (b) enter into contracts relating to the care, custody, or investment of funds; (c) procure services and advice with respect to such responsibilities; and (d) procure any annuities from any insurance companies.

(iii) Vendors and Consultants¹⁶⁹. The Pension Commission may hire or contract with such vendors and consultants, and procure such goods and services it deems necessary and proper for the execution of its duties, not subject to the requirements of Chapter VIII, Sec. 5(d) of this Charter.

(iv) Annual Contribution¹⁷⁰. The Pension Commission shall continue to determine the City's annual contribution to the Municipal Employees' Retirement Fund based on sound actuarial principles, consistent with its fiduciary obligation.

(v) Regulations¹⁷¹. The Pension Commission shall have the authority to make Regulations governing the administration, calculation and payment of benefits in accordance and the provisions of collective bargaining agreements.

(vi) Employees¹⁷². The Pension Commission may hire or contract with such employees as it deems necessary and proper, including, without limitation, a chief investment officer, plan administrator and general counsel. It shall have the sole authority to determine the titles,

¹⁶⁷ 2022 recodification and modification of authority set forth under Chapter XII, Sec. 1(a)

¹⁶⁸ 2022 recodification of Charter Appendix Sec. 20.5(g), which is set forth in the Code of Special Act Authority as Sec. 10 (g). This provision is in lieu of Sec. 2A-50(h) of Chapter 2 of the Code of Ordinances.

¹⁶⁹ 2022 recodification of Charter Appendix Sec. 20.5(h), which is set forth in the Code of Special Act Authority as Sec. 10 (h). This provision is in lieu of Sec. 2A-50(h) of Chapter 2 of the Code of Ordinances.

¹⁷⁰ NEW (2022). Codifies Sec. 2A-6(a) of Chapter 2 of the Code of Ordinances and shall supersede such provision upon the effective Date of this Charter.

¹⁷¹ NEW (2022). Codifies Sec. 2A-50(m) of Chapter 2 of the Code of Ordinances and shall supersede such provision upon the effective Date of this Charter.

¹⁷² NEW (2022). Codifies Sec. 2A-50(b) of Chapter 2 of the Code of Ordinances and current Charter Appendix Sec. 20.5(b), which is set forth in the Code of Special Acts as Sec. 10(b).

qualifications, duties, compensation and terms of office or employment of each such Official or employee. All such employees, and the City Treasurer and Assistant City Treasurer, shall be members of the Municipal Employees' Retirement Fund. The pension commission may provide such benefits to its employees as it shall deem appropriate, including health and retirement benefits, and such other terms and conditions of employment which are similar in nature to those provided by the City of Hartford to its employees.

(8) Administrative Functions of the City Treasurer Pertaining to the Pension Commission¹⁷³. The City Treasurer shall continue to have all powers and duties set forth in the 1941, 1947 and 1967 Charters, and shall have immediate responsibility for the care, custody and investment of all of the assets of the Municipal Employees Retirement Fund and of the Retirement Plan, and also shall continue to have all powers incident to such responsibilities, including the power to invest and reinvest such assets and to enter into contracts with qualified custodians, investment advisers, life insurance companies, and others, all as approved by the Pension Commission. The City Treasurer shall be the supervisor of the Pension Commission's employees and managing authority of its contracts.

(9) Role of the Common Council Pertaining to Pensions¹⁷⁴. The Common Council shall recodify the provisions of the 1947 Act and, in so doing, incorporate all of such provisions which pertain to any active employees of the City in and as a part of the Municipal Code and replace all references to the "city manager" that are contained in or pertain to the 1947 Act with the term "Mayor," as permitted by the General Statutes.

(10) No rights, benefits or obligations affected ~~special acts referred to therein, as the~~¹⁷⁵. No rights, benefits or obligations of any persons in or with respect to the MERF or any other of the City's retirement plans or funds (including, but not limited to, any persons who are receiving or entitled to receive any pensions, allowances or other benefits under or by virtue of any of the aforementioned funds or provisions, and/or any persons in the service of the City

¹⁷³ 2022 recodification of Chapter XII, Sec. 1(b) and Sec. 10 of the Code of Special Act Authority. The provision of Sec 1(b) follows: "Subject to subparagraph (a) above [Role of the Pension Commission], the city treasurer shall continue to have immediate responsibility for the care, custody and investment of all of the assets of the MERF, and also shall continue to have all powers incident to such responsibilities (including the power to invest and reinvest such assets and to enter contracts with qualified custodians, investment advisers and life insurance companies), all as and in the manner provided in the 1947 Act." Comment of the 2022 Charter Revision Commission: "This power is implied in the responsibility to have care and custody of the assets and their investments. It happens through the actions of the employees of the Pension Commission. Someone has to be their boss. Treasurer has all powers "incident" to such responsibilities under current Chapter XII, Sec. 1 (b).

¹⁷⁴ 2022 recodification of Chapter XII, Sec. 1(d)

¹⁷⁵ 2022 recodification of Chapter XII, Sec. 1(c)

on the effective date of this Charter who are or become contributing members of the MERF) are affected by this Charter; it being the intent of this chapter that all such rights, benefits and obligations, and all of the provisions governing them (including, but not limited to, all such provisions as pertain to their administration and the care, custody, and investment of any assets set aside to fund them), shall continue in full force and effect and are not repealed or superseded by this Charter; provided however, that nothing herein shall preclude any of the same may be from hereafter being duly modified, amended or repealed as and in the manner provided by Law.

(b) The Greater Hartford Flood Commission.

(1) Grant of authority¹⁷⁶. The City of Hartford shall have power to act for the elimination, prevention and control of flooding and flood damage in the territory drained by the Park River and its tributaries, and the territory adjacent thereto, and for the protection and improvement of areas within such territory heretofore or hereafter affected by such damage. All such power shall be exercised in the name and on behalf of the City by or under authority of the Flood Control Commission created by section 3 [section 35 of this Appendix] of this act.

(2) Transfer of powers and duties¹⁷⁷. The powers and duties conferred upon the Hartford Flood Commission by section 236 of number 547 of the Special Acts of 1941, as amended, are transferred to the Flood Control Commission created pursuant to section 3 [section 35 of this Appendix] of this act and shall be exercised and performed by it or under its authority, in the manner and according to the procedures prescribed in this act.

(3) Creation of Commission; membership¹⁷⁸. There is created a Flood Control Commission consisting of seven (7) members, to be known as the Greater Hartford Flood Commission. Such members shall be appointed by the **Mayor of the City of Hartford**, four (4) from among the Electors residing in Hartford and one (1) each from the towns of Bloomfield, Newington and West Hartford. Vacancies in the Commission shall be filled by appointment by the said Mayor from the Electors of such city or towns.

(3)(i) Chairman; Secretary; Meetings; records; compensation; expenses¹⁷⁹. The Flood Control Commission shall elect a chairman from

¹⁷⁶ 2022 recodification of current Charter Appendix §33; Sp. Laws 1955, Act No. 72, § 1; Sp. Laws 1957, Act No. 292, § 1. **Cross reference**— Authority of City to construct flood protection works in, over and upon Broad Street armory grounds, Appendix, § 53.

¹⁷⁷ 2022 recodification of current Charter Appendix §34; Sp. Laws 1955, Act No. 72, § 2. **Note**— See section 52 of this Appendix.

¹⁷⁸ 2022 modification and recodification of current Charter Appendix §35; Sp. Laws 1955, Act No. 72, § 3; Sp. Laws 1957, Act No. 292, § 2 and §42 of P.A. No. 13-299

¹⁷⁹ 2022 recodification of current Charter Appendix §36; Sp. Laws 1955, Act No. 72, § 4.

among its members and a secretary, who may but need not be a member, and shall meet at such intervals as it may from time to time consider necessary for the discharge of its duties. Special Meetings of the Commission may be held at any time at the call of the flood control director appointed under the provisions of section 3(ii) of this provision or of the chairman of the Commission, or in such other manner as may be provided by vote of the Commission. A record of all Meetings of the Commission shall be kept by the secretary. The members shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

(ii) Flood control director¹⁸⁰. There is created the office of flood control director, which shall be held by a licensed civil engineer who shall be appointed by the Flood Control Commission solely on the basis of his actual experience in and knowledge of flood control matters. The director shall serve at the pleasure of the Flood Control Commission and shall perform such tasks and duties as in its judgment may thus be appropriately discharged. The director shall report to the Commission on all action taken by him under this act and shall provide the Commission with other information which it may request to carry out its duties. All pension rights and other employment benefits accruing to any officer or employee of the City of Hartford who is appointed or transferred to perform duties under this act shall continue to vest and accrue during the period of such appointment or transfer. Any other employee employed to perform such duties shall be entitled during the period of such employment to all such rights and benefits as the City may grant its own regular employees.

(iii) Personnel; assigning duties to City Departments; corporate duties and obligations; bids on certain contracts; auditor of accounts¹⁸¹. The Flood Control Commission may employ personnel and fix salaries in accordance with such Regulations (including all applicable rules) as it may adopt, and may also assign, subject to the approval of the Mayor, to the Department of public works and the Department of engineering of the City of Hartford, to be carried out under its supervision, such tasks and duties as in its judgment may thus be appropriately discharged. In furtherance of the purposes of this act it may engage engineers, counsel and other professional advisers and specialists, may sue and be sued in the name of the City and may, in the name and on behalf of the City, enter into contracts, including contracts with the United States of America, this state, and any other City, town or other political subdivision of this state, for the purchase of materials, supplies and equipment, for the

¹⁸⁰ 2022 recodification of current Charter Appendix §37; Sp. Laws 1955, Act No. 72, § 5; Sp. Laws 1957, Act No. 292, § 3

¹⁸¹ 2022 recodification of current Charter Appendix §38; Sp. Laws 1955, Act No. 72, § 6; Sp. Laws 1957, Act No. 292, § 4)

performance of any construction or other work and for any other purposes under this act. Whenever any work shall be necessary to execute or perfect any public work or improvement, or whenever any supplies for the Flood Control Commission shall be needed for any particular purpose and such work or supplies shall involve the expenditure of more than ten thousand dollars (\$10,000.00), except in the case of an emergency to be determined by the Flood Control Commission, a written contract for such work or supplies shall be made under such Regulations as the Commission may establish, which contract, except contracts with the United States, this State, or any City, town or other political subdivision of the State, shall be based on competitive sealed bids made in compliance with Public Notice, duly advertised by publication, in a daily newspaper of general circulation in the County of Hartford, at least five (5) Days before the time fixed for opening such bids or proposals. The Director of Finance of the City of Hartford shall annually inspect and audit the accounts and records of financial transactions maintained by the Commission.

(4) General powers and duties¹⁸². For fulfillment of the purposes of this act the Flood Control Commission, or the flood control director with the approval of the Flood Control Commission, may in the name and on behalf of the City (a) provide for, construct or arrange for the construction of, supervise, operate, maintain and dispose of dikes, flood control reservoirs, storm sewers and storm sewer systems, walls, embankments, conduits, bridges, highways, roads, sidewalks, pumping and flood control stations and other works, structures and appurtenances; (b) close or relocate any town or City street, road or passway at any time affected or threatened by flood damage; (c) establish and alter stream lines with respect to lands found to have been so affected or threatened; (d) construct artificial channels or improve natural channels within such stream lines; (e) determine the manner in which and extent, if any, to which any land may be filled or any structures or improvements erected, maintained or retained within such stream lines; (f) purchase, take or otherwise acquire lands and interests therein found to have been so affected or threatened or to be otherwise necessary to provide water storage, to preserve the same or to carry out any work or project authorized by this act; (g) maintain, improve, arrange for the maintenance and improvement of, lease, sell or otherwise dispose of such land and interests therein; and (h) make such Regulations as appear advisable. In the carrying out of any work the Flood Control Commission may use such parts of any park or other public area as may be necessary. All real and personal estate acquired, held or used by said Commission for purposes of this act shall be exempt from taxation.

(5) Petition for taking of property¹⁸³. In any case of the taking of private property for any of the purposes of this act, if the Flood Control Commission

¹⁸² 2022 recodification of current Charter Appendix §39; Sp. Laws 1955, Act No. 72, § 7; Sp. Laws 1959, Act No. 389.

¹⁸³ 2022 recodification of current Charter Appendix §40; Sp. Laws 1955, Act No. 72, § 8. **Editor's note**— Section 7181 now codified as section 48-12 Revision of 1958, General Statutes.

and the owner or owners of such property cannot agree upon the amount to be paid for such property, then the Flood Control Commission shall, in the name and on behalf of the City of Hartford, prefer its petition for the taking of such property under Section 7181 of the General Statutes to the Superior Court for Hartford County. If in any such proceedings it shall at any time be alleged that the public interest will be prejudiced by delay in permitting the plaintiff to enter immediately upon and take possession of such property, the hearing and determination of such issue shall take precedence over all other matters to the same extent as actions brought by or on behalf of the state.

(6) Notice of assessments¹⁸⁴. Notice of intention to proceed under this act with any work or improvement, for part or all of the cost of which benefits are to be assessed by the City, shall be mailed by the City Clerk by registered or certified mail to the owner or owners of the lands to be assessed for benefits, at the address of such owner or owners appearing on the assessment records of the City or town where such lands are located, and shall be published by the City Clerk in one daily newspaper of general circulation in the County of Hartford. Each such notice shall include a general description of the lands to be assessed for benefits and an estimate of the cost of such work or improvement. Thirty (30) Days having expired after the mailing and publication of such notice, the Flood Control Commission may proceed with the actual layout and construction of such work or improvement without regard to subsequent proceedings concerning the assessment of benefits and damages.

(7) Notice to establish or alter stream¹⁸⁵. Notice of intention to establish or alter any stream line under this act shall be mailed by the City Clerk by registered or certified mail to the owner or owners of the lands wholly or partly included within such stream line, at the address of such owner or owners appearing on the assessment records of the City or town where such lands are located, and shall be published by the City clerk in one (1) daily newspaper of general circulation in the County of Hartford. Each such notice shall include a general description of the lands wholly or partly included in such stream line. Thirty (30) Days having expired after the mailing and publication of such notice, the Flood Control Commission may proceed with the establishment or alteration of such stream line without regard to subsequent proceedings concerning the assessment of benefits and damages.

(8) Proceedings for assessments, etc¹⁸⁶. Proceedings for assessment of benefits and damages under this act, for publication and notice thereof and appeals therefrom, and for the establishment and continuance of liens upon lands against which benefits are assessed shall be the same as are provided in the case of benefits and damages assessed by the director of public works under sections 3 and 4 of Chapter XI of Number 30 of the Special Acts of 1947, as

¹⁸⁴ 2022 recodification of current Charter Appendix §41; Sp. Laws 1955, Act No. 72, § 9.

¹⁸⁵ 2022 recodification of current Charter Appendix §42; Sp. Laws 1955, Act No. 72, §10.

¹⁸⁶ 2022 recodification of current Charter Appendix §43; Sp. Laws 1955, Act No. 72, §11.

amended, except that the powers and duties there conferred upon the director of public works shall under this act be exercised and performed by the Flood Control Commission, or by the flood control director with the approval of the Flood Control Commission.

(9) Budget appropriation by City¹⁸⁷. The Court of Common Council of the City of Hartford is authorized to appropriate as a part of the budget of the City, upon the recommendation of the Flood Control Commission, such sums as in the judgment of the Council may be necessary or advisable for the operation of the Flood Control Commission and the administration of this act. All unexpended funds heretofore made available to the Hartford Flood Commission may be applied for the purposes of this act in such manner as the Flood Control Commission, either by Regulation or otherwise, may determine.

(10) Debt limitation¹⁸⁸. To meet the cost of any public improvements duly recommended by the Flood Control Commission, the City of Hartford shall have power, without regard to any limitation imposed by the General Statutes or any Special Act respecting the amount, dating, interest or maturity of any debt and without approval by the voters of the City, to authorize and issue from time to time in its discretion not in excess of twenty million dollars (\$20,000,000.00) aggregate principal amount of bonds, notes or other certificates of debt, in accordance with the provisions of the Charter of the City concerning the authorization and issuance of bonds, except as such provisions are made inapplicable by this act. Such bonds, notes or other certificates of debt shall not be included in computing the aggregate indebtedness of the City in respect to any limitation upon the indebtedness of the City.

(11) Contracts with other cities and towns¹⁸⁹. The Flood Control Commission, in the name and on behalf of the City of Hartford, may, if it deems it advisable for the fulfillment of the purposes of this act, enter into contracts with any other City, town or other political subdivision lying wholly or partly within the territory drained by the Park River and its tributaries, and the territory adjacent thereto, for the exercise and performance by such other City, town or subdivision within its corporate limits of such of the powers and duties conferred by this act upon the City of Hartford and the Flood Control Commission as such contracts may respectively provide. Except as may be otherwise limited in any such contract, such other City, town or subdivision shall have and enjoy with respect to any such contract, and in aid thereof, all such powers herein conferred upon the City of Hartford and the Flood Control Commission as may be necessary or appropriate for the performance thereof, and such powers shall be exercised in the name and behalf of such other town, City or subdivision and not in the name and behalf of

¹⁸⁷ 2022 recodification of current Charter Appendix §44; Sp. Laws 1955, Act No. 72, §12.

¹⁸⁸ 2022 recodification of current Charter Appendix §45; Sp. Laws 1955, Act No. 72, § 13; Sp. Laws 1957, Act No. 292, § 5; Sp. Laws 1959, Act No. 205.

¹⁸⁹ 2022 recodification of current Charter Appendix §46; Sp. Laws 1955, Act No. 72, § 14; Sp. Laws 1957, Act No. 292, § 6.

the City of Hartford or the Flood Control Commission. Without limiting the generality of the foregoing, such powers shall include power to assess benefits and damages, to make appropriations for the whole or any part of the costs to be incurred under any such contracts and power to issue bonds, notes or other certificates of debt from time to time, without regard to any limitation imposed by the General Statutes or any special act respecting the amount, dating, interest or maturity of any debt, to meet the cost of any public improvement carried out or to be carried out under any such contracts; but the making of such appropriations and the issuance of such bonds, notes or other certificates of debt shall be in accordance with the provisions of the Charter of such other City, town or subdivision, except as such provisions are made inapplicable by this act.

(12) Grant of authority to cities and towns lying within drainage of Park River¹⁹⁰. Subject to the limitations which ensue from the powers granted by this act, each City, town and municipal district lying wholly or in part within the territory drained by the Park River and its tributaries shall have all the powers relating to the layout, making and establishing of dikes to prevent the inundation of said territory or any part thereof and relating to the protection thereof from flooding and flood damage and the raising or filling of low grounds, swamps and stagnant areas and the construction of necessary drainage-regulating devices, including pumping stations and equipment, drainage ditches, wells and storage basins, which said cities, towns and municipal districts respectively have or would have had if this act had not been adopted.

(13) Delegation of powers to Flood Control Commission by City¹⁹¹. The Court of Common Council of the City of Hartford may, by Ordinance approved by the affirmative votes of at least six (6) of the members, delegate to the Flood Control Commission any powers held or which may be held by any Commission, Department of said City.

(14) Annual reports¹⁹². At the second (2nd) Meeting of the Court of Common Council to be held in January of each year, and at the next Regular Meeting of the respective governing bodies of the towns of West Hartford, Bloomfield and Newington, the Flood Control Commission shall file a report of its activities for the preceding year. All such reports shall be kept as public records and open to public inspection.

(15) Powers subject to approval by cities and towns¹⁹³. Anything in this act to the contrary notwithstanding, no powers under this act may be exercised by the Flood Control Commission without the approval of the legislative body of

¹⁹⁰ 2022 recodification of current Charter Appendix §47; Sp. Laws 1955, Act No. 72, §15.

¹⁹¹ 2022 recodification of current Charter Appendix §48; Sp. Laws 1955, Act No. 72, §16

¹⁹² 2022 recodification of current Charter Appendix §49; Sp. Laws 1955, Act No. 72, §17.

¹⁹³ 2022 recodification of current Charter Appendix §50; Sp. Laws 1955, Act No. 72, § 18.

the town within the territorial limits of which the Commission proposed to exercise such power.

(16) **Amendments**¹⁹⁴. This act shall not be subject to amendment in the manner provided by section 3 of Chapter XX [Chapter XXI] of Number 30 of the Special Acts of 1947.

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¹⁹⁴ 2022 recodification of current Charter Appendix §51; Sp. Laws 1955, Act No. 72, §19. Editor's note— Act No. 641 of the Special Laws of 1957 renumbered Chapter XX as XXI.

CHAPTER VIII. - DEPARTMENTS AND DEPARTMENT HEADS

Sec. 1. - Authority to establish the ~~departments~~Departments of government¹⁹⁵.

The ~~city~~City, acting within the powers and duties enumerated in the General Statutes, Special Acts applicable thereto and this Charter, may establish, by ~~ordinance~~Ordinance, such ~~departments~~Departments necessary to carry out and organize the functions of government. The express intent of this Charter is to allow the ~~mayer~~Mayor and the ~~council~~Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the ~~city~~City. The delineation of departmental categories in this Charter is advisory and may be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter. However, the powers, duties and functions defined in this Charter shall be assigned to ~~officials~~Officials of the ~~city~~City.

Sec. 2. - Appointment of ~~department heads~~Department Heads; requirements¹⁹⁶.

(a) **Creation of ~~departments~~Departments.** The ~~council~~Council shall by ~~ordinance~~Ordinance establish the ~~departments and agencies~~Departments of the ~~city~~City as required to carry out the ~~city's~~City's functions and to meet public need. Each of these ~~departments~~Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and ~~ordinance~~Ordinance. Moreover, the directors of each ~~department~~Department established by ~~ordinance~~Ordinance shall be subject to the provisions of this Charter generally applicable to ~~department heads~~Department Heads.

(b) **Appointment.** Except as otherwise provided by the General Statutes or this Charter, all ~~department heads~~Department Heads shall be appointed by and subject to the authority of the ~~mayer~~Mayor, following the confirmation by the ~~council~~Council in accordance with the provisions section 2(d) of Chapter IV of this Charter. All ~~department heads~~Department Heads, who are unclassified employees, shall serve at the pleasure of the ~~mayer~~Mayor, subject also to the powers of removal of the ~~council~~Council as set forth in section 3(a) of Chapter IV of this Charter.

(1) Appointment of the ~~police chief~~Chief of Police and the ~~fire chief~~Fire Chief. The ~~mayer~~Mayor shall appoint the ~~police chief~~Chief of Police and the ~~fire chief~~Fire Chief and, upon confirmation by the ~~council~~Council, as set forth in section 2(d) of Chapter IV of this Charter, shall enter into an employment contract with each of them, on behalf of the ~~city~~City, for a term of up to four (4) years, subject to removal in accordance with the provisions of the General Statutes. A ~~police chief~~Chief of Police or ~~fire chief~~Fire Chief may be reappointed, but any such reappointment shall be subject to confirmation by the ~~council~~Council. In the event of a ~~vacancy~~Vacancy in the position of ~~police chief~~Chief of Police or ~~fire~~

¹⁹⁵ Election of 11-5-02

¹⁹⁶ Election of 11-5-02

~~chief~~Fire Chief, or if the ~~police~~Police or ~~fire chief~~Fire Chief is temporarily unable to fulfill the obligations of the office, the ~~mayer~~Mayor may appoint an acting ~~chief~~Chief, subject to the limitations set forth in section 2(b)(3) of Chapter VIII of this Charter.

(2) *Department ~~head~~Head vacancies.* Vacancies in the office of any ~~department head~~Department Head shall be governed by the provisions of section 2(d) of Chapter V of this Charter.

(c) **Effect of Charter on ~~department heads~~Department Heads.** Unless otherwise terminated pursuant to ~~law~~Law, the status of ~~department heads~~Department Heads holding office on the effective date of this Charter shall continue, subject to the provisions of this Charter addressing service at the pleasure of the ~~mayer~~Mayor.

(d) **Authority of ~~department heads~~Department Heads.** Once appointed as described in section 2(d) of Chapter V of this Charter, the ~~department head~~Department Head shall appoint, hire, discipline and remove all deputies, assistant and other employees of the ~~department~~Department as provided for in the budget and in accordance with the ~~rules and regulations~~Regulations of the ~~personnel board~~Personnel Board (including all applicable rules) and collective bargaining agreements, where applicable.

(e) **Qualifications of ~~department heads~~Department Heads.** The job qualifications of all ~~department heads~~Department Heads, in addition to those enumerated in this Charter, by General Statutes or Special Act, shall be established by ~~ordinance~~Ordinance following consideration of recommendation of the ~~director~~Director of ~~human resources~~Human Resources or such personnel ~~official~~staff as may be designated by ~~ordinance~~Ordinance. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and shall be reviewed and updated every four (4) years and whenever a ~~vacancy~~Vacancy occurs in the position.

(f) **Compensation.** The salaries and compensation of all ~~officials,~~ ~~department heads~~Officials, Department Heads, agents and employees of the ~~city~~City shall be set by ~~ordinance~~Ordinance, except where otherwise fixed by the General Assembly or as otherwise covered by civil service and collective bargaining agreement.

Sec. 3. ~~Corporation~~ ~~counsel~~Counsel¹⁹⁷.

(a) **Appointment.** There shall be a ~~corporation counsel~~Corporation Counsel who shall be appointed by the ~~mayer~~Mayor, subject to confirmation by the ~~council~~Council, in accordance with section 2(d) of Chapter IV of this Charter, as of the first (1st) Monday of January 2004, provided that the ~~corporation counsel~~Corporation Counsel shall serve at the pleasure of and may be removed by the ~~mayer~~Mayor at any time. The ~~corporation counsel~~Corporation Counsel shall be an ~~elector~~Elector of the

¹⁹⁷ Election of 11-5-02

cityCity and an attorney of good standing with the Bar of the State of Connecticut for a period of not less than ten (10) years.

(b) Duties. The ~~corporation counsel~~Corporation Counsel shall perform the following duties:

(1) Legal advisor. The ~~corporation counsel~~Corporation Counsel shall serve as the legal advisor of the ~~mayer~~Mayor, the ~~council~~Council, and all other ~~departments~~Departments, officers, ~~boards, — commissions~~Boards or ~~agencies~~Commissions of the cityCity in all matters affecting the interests of the cityCity, and shall upon request furnish them with a written opinion on any question of ~~law~~Law involving their respective powers and duties.

~~(i) — Retention of counsel by the board of education and other commissions.~~ Board and Commissions. The ~~council~~Council may by ~~ordinance~~Ordinance authorize the ~~board~~Board of ~~education~~Education and ~~commissions~~Boards and Commissions established by ~~ordinance~~Ordinance to retain their own counsel, for such purposes as are specified in the authorizing ~~ordinance~~Ordinance, out of sums appropriated to the ~~board~~Board of ~~education~~Education or ~~commission~~.

~~(i) — Retention of counsel by the council.~~ relevant Board or Commission.

(ii) Retention of counsel by the Council. The ~~council~~Council may also provide an appropriation for hiring its own counsel when, in the opinion of the ~~council~~Council, it is necessary for the ~~council~~Council to obtain legal advice in addition to the advice of the ~~corporation counsel~~Corporation Counsel. The ~~council~~Council shall by ~~ordinance~~Ordinance prescribe the process by which such appropriation may be used.

(2) Representation of the cityCity in legal proceedings. The ~~corporation counsel~~Corporation Counsel shall appear for and protect the rights of the cityCity in all actions, suits or proceedings brought by or against it or any of its ~~departments~~Departments, officers, ~~boards, — commissions~~Boards or ~~agencies~~Commissions and shall have power, with the approval of the ~~mayer~~Mayor, to appeal from ~~orders~~Orders, decisions or judgments in such cases, and, with the approval of the ~~mayer~~Mayor and ~~council~~Council, to compromise and settle any claims by or against the cityCity. The ~~council~~Council, by ~~ordinance~~Ordinance, may establish a level of authority for the ~~corporation counsel~~Corporation Counsel applicable to monetary settlements that do not require the approval of the ~~council~~Council.

(3) *Transactional representation.* The ~~corporation counsel~~Corporation Counsel shall prepare or approve all forms of contracts or other instruments to which the ~~city~~City is a party or in which it has an interest.

(4) *Attendance at ~~meetings~~Meetings of the ~~council~~Council.* The ~~corporation counsel~~Corporation Counsel shall, at the request of the president of the ~~council~~Council, attend in person or assign an assistant to attend all ~~meetings~~Meetings of the ~~council~~Council.

(5) *Personnel.* The ~~corporation counsel~~Corporation Counsel shall have power, within the limitations of the appropriation therefore, to employ professional counsel and to appoint such other employees as prescribed by ~~ordinance~~Ordinance.

Sec. 4. - Police and fire services¹⁹⁸.

(a) *Police ~~department~~Department.* There shall be a ~~police~~Police Department that shall consist of the ~~chief~~Chief of ~~police~~Police and such other officers and employees of such ranks and grades as may be prescribed by ~~ordinance~~Ordinance. The ~~police department~~Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the General Statutes, and the ~~ordinances~~Ordinances and all Regulations (including all applicable rules—and regulations) made in accordance therewith. All members of the ~~department~~Department 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 General Statutes.

(1) *Chief of ~~police~~Police.* The ~~head of the department~~Department Head shall be the ~~chief~~Chief of ~~police~~Police who shall be in direct command of the ~~police department~~Police Department and shall be responsible for the operation of the ~~department~~Department consistent with the policy directives of the ~~mayor~~Mayor.

(2) *Appointment and removal of ~~department~~Department personnel.* Subject to the personnel and civil service provisions of this Charter and the ~~ordinances~~Ordinances, the ~~chief~~Chief of ~~police~~Police shall appoint and remove all other officers and employees of the ~~department~~Department. The ~~chief~~Chief of ~~police~~Police shall assign all members of the ~~department~~Department to their respective posts, shifts, details and duties and shall make ~~rules—and regulations~~Regulations (including all applicable rules), in conformity with the ~~ordinances~~Ordinances, concerning the operation of the ~~department~~Department and the conduct of all officers and employees thereof. The ~~chief~~Chief shall be responsible for the efficiency, discipline and good conduct of the

¹⁹⁸ Election of 11-5-02

~~department~~Department and for the care and custody of all property used by the ~~department~~Department. Disobedience to the lawful ~~orders~~Orders of the ~~chief~~Chief or to the Regulations including all applicable rules and regulations) aforesaid shall be ground for dismissal or for other appropriate disciplinary action taken in accordance with the personnel and civil service provisions of this Charter and the ~~ordinances~~Ordinances.

(b) **Fire ~~department~~Department.** There shall be a ~~fire department~~Fire Department that shall consist of the ~~fire chief~~Fire Chief, the ~~fire marshal~~Fire Marshal and such other officers and employees of such ranks and grades as may be prescribed by ~~ordinance~~Ordinance. The ~~fire department~~Fire Department shall be responsible for the protection of life and property within the ~~city~~City from fire and for the enforcement of all ~~laws, ordinances~~Laws, Ordinances and ~~regulations~~Regulations relating to fire prevention and fire safety.

(1) **Fire ~~chief~~Chief.** The ~~head of the department~~Department Head shall be the ~~fire chief~~Fire Chief who shall be in direct command of the ~~fire department~~Fire Department and shall be responsible for the operation of the ~~department~~Department consistent with the policy directives of the ~~mayor~~Mayor.

(2) Appointment and removal of ~~department~~Department personnel. Subject to the personnel and civil service provisions of this Charter and ~~ordinances~~Ordinances, the ~~chief~~Chief shall appoint and remove all other officers and employees of the ~~department~~Department. The ~~chief~~Chief shall assign all members of the ~~department~~Department to their respective posts, shifts, details and duties and shall make rules and regulations Regulations including all applicable rules) in conformity with the ~~ordinances~~Ordinances of the ~~city~~City concerning the operation of the ~~department~~Department and the conduct of all officers and employees thereof. The ~~chief~~Chief shall be responsible for the efficiency, discipline and good conduct of the ~~department~~Department and for the care and custody of all property used by the ~~department~~Department. Disobedience to the lawful ~~orders~~Orders of the ~~chief~~Chief or to the Regulations including all applicable rules and regulations) aforesaid shall be ground for dismissal or for other appropriate disciplinary action taken in accordance with the personnel and civil service provisions of this Charter and ~~ordinances~~Ordinances. The ~~chief~~Chief shall have further power to make ~~regulations~~Regulations with the force of law, implementing and giving effect to the ~~laws~~Laws and ~~ordinances~~Ordinances relating to fire prevention and fire safety.

Sec. 5. - Government administration¹⁹⁹.

(a) The ~~department~~Department of ~~finance~~Finance.

¹⁹⁹ Election of 11-5-02

(1) **Director of ~~finance~~Finance.** The ~~head~~ of the ~~department~~Department Head shall be the ~~director~~Director of ~~finance~~Finance, a person shall be a person skilled in municipal accounting, budgeting and financial control. Commencing on January 1, 2004, the ~~director~~Director of ~~finance~~Finance shall be appointed by the ~~mayor~~Mayor, subject to confirmation by the ~~council~~Council, to a term of four (4) years and shall be subject to removal only for cause during that term. The ~~director~~Director of ~~finance~~Finance shall:

(i) Compile for the ~~mayor~~Mayor the estimates for the budget and the capital budget.

(ii) Supervise and control all encumbrances, expenditures and disbursements to ensure that budget appropriations are not exceeded.

~~(iii) Submit monthly to the mayor and to the council a public statement showing the amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against each appropriation during the preceding month, the total of such charges for the year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof. The director of finance shall also submit at the same time a statement showing the revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the year to the end of the preceding month, and the balance remaining to be collected. The director of finance shall furnish to the head of each department, office and agency a copy of the portion of the above statement relating to that official's department, office or agency.~~

(iii) Submit monthly reports as required by section 6.E(1) of Chapter X of this Charter²⁰⁰. The Director of Finance shall furnish to each Department Head a copy of the portion of the above statement relating to that Official's Department.

(iv) Prepare for the ~~mayor~~Mayor as of the end of each fiscal year a complete financial statement and report of the financial transactions of the ~~city~~City for the preceding year.

(v) Maintain a general accounting system for the ~~city~~City government and each of its ~~departments, offices and agencies~~Departments in conformity with the best recognized practices in governmental accounting; keep records for and exercise financial budgetary control over each such ~~department, office or agency~~Department; keep separate accounts for the items of appropriation

²⁰⁰ Modification (2022).

contained in the budget and appropriation ~~ordinance~~Ordinance and the allotments thereof and encumber such items of appropriation and their respective allotments with the amount of each purchase order, payroll or contract approved by the ~~director~~Director of ~~finance~~Finance immediately upon such approval; and keep such records as shall show at all times for each account the amount of the appropriation and the allotments thereof, the amounts paid therefrom and remaining unpaid, all encumbrances thereof and the unencumbered balance; require daily or at such other intervals as the ~~finance director~~Director of Finance may deem expedient a report of receipts and disbursements from each of the several ~~departments, offices or agencies~~Departments; and prescribe the times at and manner in which moneys received by them shall be paid to the ~~city treasurer~~City Treasurer or deposited in a ~~city~~City bank account under the ~~city treasurer's~~City Treasurer's control;

(vi) Prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all ~~departments, offices and agencies~~Departments of the ~~city government~~City and provide suitable instructions for the use thereof;

(vii) Examine all contracts, purchase orders and other documents which involve financial obligations against the ~~city~~City and approve the same only upon ascertaining that moneys have been appropriated and allotted and that an unexpended and unencumbered balance is available in such allotment to meet the same;

(viii) Audit before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the ~~city~~City and approve the same if proper, legal and correct;

(ix) Inspect and audit the accounts or records of financial transactions as maintained in each ~~department, office or agency~~Department of the ~~city government~~City apart from or subsidiary to the accounts kept in the ~~finance director's~~Director of Finance's office.

(b) **Tax ~~collector~~Collector**. There shall be a ~~tax collector~~Tax Collector, who shall be a member of the ~~classified service~~Classified Service and shall be appointed by the ~~mayer~~Mayor, from a list of eligibles determined by open competitive examination as provided for in the personnel provisions of this Charter and by ~~ordinance~~Ordinance. The ~~tax collector~~Tax Collector shall receive and collect all taxes and assessments payable to the ~~city~~City and such other fees and licenses as may be designated by the ~~council~~Council by ~~ordinance~~Ordinance or by ~~order~~Order of the ~~mayer~~Mayor. The ~~tax collector~~Tax Collector shall keep such books and records of transactions and use such forms of bills and receipts as may be prescribed by the ~~director~~Director of ~~finance~~Finance. Except as otherwise provided in this Charter the ~~tax collector~~Tax

Collector shall have such powers and duties as are conferred or imposed on tax collectors of towns by the General Statutes.

(c) **City ~~assessor~~Assessor.** There shall be a ~~city assessor~~City Assessor, who shall be a member of the ~~classified service~~Classified Service and shall be appointed by the ~~mayor~~Mayor, from a list of eligibles determined by open competitive examination as provided for in the personnel provisions of this Charter and ~~ordinance~~Ordinance. All deputies and other employees of the organizational unit responsible for assessment shall be appointed and removed by the ~~city assessor~~City Assessor subject to the personnel provisions of this Charter and ~~ordinance~~Ordinance.

City ~~assessor~~Assessor, powers and duties. The ~~city assessor~~City Assessor shall have all the powers and shall perform all the duties imposed on assessors in towns of this state, together with such other duties as are imposed by this Charter. The assessor shall act in all respects with regard to the assessment of property as required by the General Statutes. All ~~departments~~Departments and employees of the ~~city~~City and all owners of taxable property within the ~~city~~City shall provide such assistance and information to the assessor, consistent with applicable ~~law~~Law, as the assessor shall require to carry out the duties of that office.

(d) **Procurement services.** There shall be a central purchasing system for the ~~city~~City covering the purchase of all supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the ~~council~~Council shall establish by ~~ordinance~~Ordinance the rules and regulations governing the operation of said central purchasing system in a manner consistent with the General Statutes, this Charter, ~~ordinance~~Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed. The ~~council~~Council shall, by ~~ordinance~~Ordinance, establish the rules and regulations governing the purchasing process for the ~~city~~City, including, but not limited to, the role and responsibilities of the purchasing agent, competitive bidding requirements, standards for contracts for public works and improvements and accounting control of purchases and contracts, provided that the ~~council~~Council shall require competitive bids for purchases in excess of twenty-five thousand dollars (\$25,000.00). Nothing in this Charter shall prevent the ~~city~~City or any of its ~~agencies or departments~~Departments from participating in any joint purchasing program administered by the ~~State of Connecticut~~, the Capitol Region Council of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies.

Purchasing agent. The ~~head~~Department Head of the central purchasing system shall be the ~~chief operating officer~~Chief Operating Officer or designee who, pursuant to rules and regulations established by ~~ordinance~~Ordinance, shall contract for and purchase all supplies, materials, equipment and contractual services required by any ~~department, office or agency~~Department of the ~~city~~City government including the ~~board~~Board of ~~education~~Education. With respect to said ~~board~~Board of ~~education~~Education, the ~~purchasing agent~~Purchasing Agent shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for said ~~board~~Board to meet the curriculum and scheduling requirements of the ~~board~~Board, upon reasonable notice by the ~~board~~Board. The rules governing purchasing and procurement, including a definition of "reasonable notice" shall be set forth by ~~ordinance~~Ordinance. The purchasing agent shall be responsible for the efficiency, discipline and good conduct of the system.

(e) **Department of ~~human resources~~Human Resources.** There shall be a ~~department~~Department of ~~human resources~~Human Resources, which shall be responsible for the administration of the civil service system and all other matters affecting civil service employment, collective bargaining and the employees of the ~~city~~City. In order to advance the purposes of this Charter, the ~~council~~Council, upon recommendation of the ~~mayor~~Mayor, shall enact ~~ordinances~~Ordinances relating to the operation of the ~~department~~Department and the civil service system.

(1) Director of ~~human resources~~Human Resources. The ~~head of the department~~Department Head shall be the ~~director~~Director of ~~human resources~~Human Resources, who shall be appointed by the ~~mayor~~Mayor, from a list of eligibles determined by open competitive examination as provided for in the personnel provisions of this Charter and ~~ordinance~~Ordinance. The director shall be responsible for the efficiency, discipline and good conduct of the ~~department~~Department.

(2) Human resources policy of the ~~city~~City. It shall be the policy of the ~~city~~City to establish a civil service system that will assure recruitment of the best available persons to appointment to vacant positions, advance equal employment opportunity and affirmative action, continue training and evaluation of employees and bargain fairly with the collective bargaining representatives of employees. The ~~council~~Council, upon recommendation of the ~~mayor~~Mayor, shall establish ~~ordinances~~Ordinances that address the areas of (i) qualifications and competitive examinations for entry level and promotional appointments (encouraging, as far as practicable, the promotion from lower classes of ~~city~~City employees); (ii) creation and maintenance of eligible lists, certification of the same and the standards of appointment thereunder; (iii) standards of dealing with temporary appointments; (iv) preparing and maintaining classification and pay plans for classified ~~city~~City employees not included in a collective bargaining unit; (v) establishing a roster of ~~city~~City employees; (vi) certification of payroll; (vii)

developing training and education programs for ~~city~~City employees; (viii) investigation of the operation of the personnel provisions of the Charter and ~~ordinances~~Ordinances; and (ix) standards of appointment and removal of ~~city~~City employees, not otherwise addressed by this Charter or the provisions of a collective bargaining agreement.

(3) Classified and unclassified service. The civil service of the ~~city~~City shall be divided into the unclassified and the ~~classified service~~Classified Service. The unclassified service shall comprise:

(i) Officers elected by the people and persons appointed to fill vacancies in ~~elective offices~~Elective Offices;

(ii) Members of ~~boards~~Boards and ~~commissions~~Commissions and any officers appointed by the ~~council~~Council;

(iii) The ~~heads of departments~~Department Heads appointed by the ~~mayor~~Mayor, and deputy ~~heads of departments~~Department Heads who shall be appointed by the respective ~~department heads~~Department Heads, with the concurrence of the ~~mayor~~Mayor, and shall serve at the pleasure of the respective ~~department heads~~Department Heads, and not more than one (1) confidential secretary in each ~~department~~Department, except that the ~~city assessor~~City Assessor, the ~~director~~Director of ~~human resources~~Human Resources, and the ~~tax collector~~Tax Collector shall be members of the ~~classified service~~Classified Service;

(iv) Employees of the ~~board~~Board of ~~education~~Education;

(v) Staff in the office of the ~~council~~Council and in the office of the ~~mayor~~Mayor, including the ~~chief operating officer~~Chief Operating Officer and the assistants to such ~~chief operating officer~~Chief Operating Officer;

(vi) The ~~corporation counsel~~Corporation Counsel and special counsel appointed by the ~~corporation counsel~~Corporation Counsel;

(vii) The assistant ~~city treasurer~~City Treasurer;

(viii) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination.

The ~~classified service~~Classified Service shall comprise all positions not specifically included by this section in the unclassified service and all appointments and promotions therein shall be made according to merit

and fitness to be ascertained so far as practicable by competitive examinations.

(4) Prohibited practices. No person in the ~~classified-service~~Classified Service of the ~~city~~City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of that person's race, national origin, political or religious opinions or affiliations, gender or sexual orientation. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution thereof or of the Regulations including all applicable rules-and-regulations) made in accordance therewith. No person shall either directly or indirectly, pay, render or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which either party is concerned. Any person who alone or with others willfully or corruptly violates any of the provisions of this section shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the ~~city~~City service and shall, if an officer or employee of the ~~city~~City, immediately forfeit the office or position he or she holds.

(5) Veterans' preference. Any person who has served in time of war in the army, navy, marine corps, coast guard or air force of the United States and has been honorably discharged therefrom shall be entitled to have added to his or her rating in any examination for initial employment in the ~~classified-service~~Classified Service ten (10) points on a scale of one hundred (100) if he or she is eligible for disability compensation or pension from the United States through the veterans' administration, or five (5) points on a scale of one hundred (100) if he or she is not so eligible, provided he or she is within the age limit specified for appointment to the position or class of position for which the examination is held, physically capable of performing the duties of such position and attains in the examination without such added points the minimum rating prescribed for passage of such examination.

PL
Any employee in the ~~classified-service~~Classified Service whose employment has been interrupted in time of war in the army, navy, marine corps, coast guard or air force of the United States and has been honorably discharged therefrom shall be entitled one (1) time to have added to his or her rating in any examination held under the provisions of this chapter ten (10) points on a scale of one hundred (100) if he or she is eligible for disability compensation or position from the United States through the veterans' administration, or five (5) points on a scale of one hundred (100) if he or she is not so eligible, provided he or she is within the age limit specified for appointment to the position or class of position

for which the examination is held, physically capable of performing the duties of such position and attains in the examination without such added points the minimum rating prescribed for passage of such examination.

Sec. 6. - Community services²⁰¹.

There shall be established by the ~~council departments and agencies~~Council, Departments of the ~~city~~City that deal with key functions such as health, human services, recreation and other community services. Such administrative offices shall always have in place up-to-date action plans to address the health, human service and recreation needs of children, youth, adults and the elderly and shall implement these plans in close coordination with the appropriate ~~state~~State offices and with other pertinent private and public agencies.

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²⁰¹ Election of 11-5-02

CHAPTER IX. - BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION

Sec. 1. - Board of ~~education~~Education²⁰².

Effective December 6, 2005, there shall be a ~~board~~Board of ~~education~~Education consisting of nine (9) members five (5) appointed by the ~~mayer~~Mayor and four (4) elected on the Tuesday after the first Monday in November 2005 and quadrennially thereafter. Notwithstanding the foregoing, the provisions of sections 4(b) of Chapter III of this Charter shall apply to the elected members of said Board.
~~(Election of 11-5-02)~~

Sec. 2. - Appointment of ~~board~~Board of ~~education~~Education members²⁰³.

~~(a) — Initial appointments.~~Appointments. The ~~mayer~~Mayor shall appoint five (5) members for a term commencing on December 6, 2005 and ending on January 31, 2008.

~~(b) — Initial election.~~ The four (4) members elected on the Tuesday after the first Monday in November 2005 shall serve from December 6, 2005 until December 31, 2009.

~~(c) — Term of office.~~

~~(1)(a) Appointed members.~~ After Thereafter January 1, 2008 the ~~mayer~~Mayor shall appoint five (5) members for a term of four (4) years to take office on February 1st of the year of appointment and quadrennially thereafter, which members shall serve until their successors have been appointed and confirmed²⁰⁴.

~~(b) Elected members.~~Election. The ~~members elected on the Tuesday after the first Monday in November 2009 shall serve a term of four years commencing on January 1, 2010.~~ The elected four (4) members shall be elected quadrennially thereafter and serves set forth in section 4(b) of Chapter III of this Charter.

~~(2)(c) Term of office.~~ The term of office of the five (5) members appointed by the Mayor shall be for a term of four (4) years to take office on February 1st of the year of appointment and quadrennially thereafter, which members shall serve until their successors have been appointed and confirmed. The term of office of all elected member shall be as set forth in section 4(a) and (b) of Chapter III of this Charter.

~~(d) Minority party representation.~~ At no time shall more than three (3) of the members appointed by the ~~mayer~~Mayor be members of the same political party and, with respect to the elected members, the maximum number of members from the same

²⁰² 2022 modification of Sec.1 derived from election of 11-5-02.

²⁰³ ~~Election~~2022 modification of Sec.1 derived from election of 11-5-02.

²⁰⁴ 2022 modification and recodification of Sec. 2(c)(1).

political party shall be three (3). Candidates for the ~~board~~Board of ~~education~~Education shall be elected with party designation.

(e) **Qualifications.** In addition to the general requirements of ~~statute~~statutory law and this Charter, the ~~mayor~~Mayor shall consider the following qualifications and experiences with regard to appointments to the ~~board~~Board of ~~education~~Education: training and/or experience in (1) education, (including, but not limited to, familiarity with the Hartford school district as a relative or guardian of a child currently or recently in the district); (2) a representative of a PTA/PTO or similar organization of adult supporters of education in the ~~city~~City; (3) financial matters (as evidenced by service as a certified public accountant or having earned a bachelor, master or doctorate degree in business, finance or public administration); (4) construction management; (5) workforce development or job training; (6) law; (7) information technology; (8) facility maintenance; and, (9) other qualifications as may be established by ~~ordinance~~Ordinance. Of equal weight with the foregoing requirements, the ~~mayor~~Mayor shall consider appointments reflective of the various neighborhoods and the ethnic, racial and cultural mix of the ~~city~~City.

(f) Ex officio members. The ~~council~~Council may create up to two (2) non-voting ex officio positions on the ~~board~~Board of ~~education~~Education for students of the Hartford public schools, to be appointed by the ~~mayor~~Mayor for a one-year term.

(g) Powers of the ~~board~~Board of ~~education~~Education. The ~~board~~Board of ~~education~~Education shall perform such duties and have such powers as are or may be imposed by the General Statutes upon boards of education. The ~~department~~Department of ~~education~~Education shall perform the administrative functions of said ~~board~~Board.

(h) Applicability of Charter provisions pertaining to ~~boards~~Boards and ~~commissions~~Commissions. The provisions of this Charter governing the appointment, vacancies, minority party representation and removal of members of ~~boards~~Boards and ~~commissions~~Commissions and Public Officials shall apply to the ~~board~~Board of ~~education~~Education, unless otherwise set forth herein.

Sec. 3. - Mandatory training as a prerequisite for service²⁰⁵.

The ~~board~~Board of ~~education~~Education shall contract with the Connecticut Association of Boards of Education, the State Department of Education, the National School Boards Association, or some similar organization, to provide a training course on the role and responsibilities of a ~~board~~Board of ~~education~~Education and its members. The ~~board~~Board of ~~education~~Education shall assure that the course is available at alternative times at no charge to ~~city~~City residents and is provided in a central location accessible by public transportation, and that childcare is available if needed by a resident who desires to take the course. No one shall be eligible to begin service on the

²⁰⁵ Election of 11-5-02

~~board~~Board of ~~education~~Education who has not taken the course within three (3) years of the beginning of his or her service.

Sec. 4. - Prohibited acts²⁰⁶.

No member of the ~~board~~Board of ~~education~~Education may interfere with the performance by the superintendent of schools of those duties vested in or delegated to the superintendent by statute or by act of the ~~board~~Board of ~~education~~Education. Such interference specifically includes any attempt by a member of the ~~board~~Board of ~~education~~Education to order or coerce, publicly or privately, any subordinate, ~~official~~Official or employee of the district as to any matter within the authority of the superintendent under statute or as conferred by the ~~board~~Board of ~~education~~Education through its policies, procedures, ~~resolutions~~Resolutions, or minutes of ~~meetings~~Meetings. Such interference will constitute official misconduct that may be grounds for removal pursuant to section 3(a) of Chapter IV of this Charter.

Sec. 5. -~~Transition provisions~~— Community Outreach²⁰⁷.

~~(a) — Appointment and election of board of education members. In conformity with the provisions of Special Act No. 97-4, as amended by Special Act No. 01-7 effective on December 3, 2002 until December 5, 2005 the board of education shall consist of seven (7) members including four (4) members elected at the election held on November 5, 2002 and three (3) members who are electors of the city, appointed by the mayor subject to approval by the council. Candidates for the board of education shall be elected with party designation.~~

~~— In addition to the regular and special Meetings of the Board of Education, the members of the Board shall engage in outreach efforts, including, but not limited to the following in order to increase participation by the public in the activities of the Board of Education: political, religious, community-based, social, mutual benefit organizations, civic and business organizations.~~

~~(b) — Term of office. The members appointed and elected pursuant to these transition provisions shall serve until December 5, 2005 or until their successors have been appointed and confirmed.~~

~~(c) — Vacancies. The appointed members shall be subject to the provisions of Chapter VII, section 1(b) of this Charter. In the event an elected position on the board of education becomes vacant, it shall be filled by majority vote of the remaining members of the board until the next regular general municipal election, if any, at which a successor shall be elected for the remainder of the vacant term and shall assume office at the first meeting of the board following the certification of the results of the~~

²⁰⁶ Election of 11-5-02

²⁰⁷ ~~Election of 11-5-02 NEW (2022). This section replaces current Sec. 5 ("Transition Provisions") derived from election of 11-5-02, which is hereby repealed.~~

~~election. If the vacancy occurs too close in time to the next general election for the process of nomination to be completed in accordance with the General Statutes, the vacancy shall be filled by appointment for the remainder of the vacant term. Any person so appointed by the board of education shall be of the same political party as the departed member.~~

~~(d) — **Powers of the board of education.** The board of education shall perform such duties and have such powers as set forth in section 2(g) of this chapter and otherwise comply with all provisions of this Charter.~~

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CHAPTER X. - BUDGET

Sec. 1. -- The Budget Process

A. The Budget System²⁰⁸. The Council shall have the following powers: to establish and maintain a budget system including but not limited to the assessment, levy and collection of taxes for general, special or emergency purposes in the manner prescribed by Law, and to adopt the capital and operating budgets of the City and the Board of Education in the manner prescribed by Law and this Charter and the operative Ordinances adopted hereunder.

(1) Ordinance establishing the budget process²⁰⁹. The Council shall specify by Ordinance any additional requirements to effectuate the provisions of this Charter pertaining to the budget.

(2) Public Engagement²¹⁰. The Council shall develop procedures designed to encourage public participation in the budget process. The budget process shall include information that addresses (a) performance measures, (b) service levels, (c) differentiation of services to the residents of the City both in terms of policy and service design and (d) priorities in the planning, budgeting and management of public services.

B. Cooperation of City Officials and Employees²¹¹. The Mayor, the Board of Education and Council are required to work together, in good faith, throughout the year in order to develop and approve a municipal budget which shall include all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, include detailed estimates of revenues, capital expenses and operating expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these Public Officials and employees of the City are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the City.

Fiscal year ^(12.)

C. The fiscal year of the ~~city~~City government shall be as provided in the General Statutes and ~~ordinances~~Ordinances conforming thereto.

D. Budget a public record: Public Inspection²¹³. The entire budget,

²⁰⁸ NEW (2022).

²⁰⁹ Modification and recodification of current Sec. 5(b). Election of 11-5-02

²¹⁰ NEW (2022).

²¹¹ NEW (2022).

²¹² Recodification of current Sec. 1. Election of 11-5-02

²¹³ Recodification and modification of current Sec. 3(c). Election of 11-5-02

comprised of the general or operating budget and capital budget, shall be a public record in the office of the City Clerk and shall be open to public inspection at other designated public facilities including libraries and schools, as may be determined by the Mayor or the Council. The budget message shall be distributed to the public by the Mayor at the time of its submission to the Council, and sufficient copies of the budget proper shall be made available at the same time for the use of the Council and the public. Physical copies of the budget shall be provided within seventy-two (72) hours of submission. Moreover, the Mayor shall provide access on-line through social media, the City website and dashboards and email chains to community organizations and members of the public who request such information.

E. Budget Calendar²¹⁴. Not later than the first (1st) Meeting of the Council in January of each year, the Chief Financial Officer or equivalent official responsible for the Office of Management, Budget, Grants and Revenue shall cause to be published a budget calendar in order to inform the public of the significant requirements of the budget process, including but not limited to: (1) dates of the initial and final public hearings, as set forth in section 5.A of this Charter; (2) the date of adoption by the Council, as set forth in section 5.C of this Chapter; (3) transmittal of adopted budget to the Mayor, as set forth in section 5.C(4) of this Chapter; (4) report and statement of the Mayor, as set forth in section 5.D(1)(a) of this Chapter; (5) any further Council action required following Mayoral action as specifically set forth in section 5.D(2) of this Chapter; and (6) the date of the Final Action of the Council, as specifically set forth in section 5.D(2) of this Chapter. Final Action may also occur in the event of a failure of the Council or Mayor to take action as set forth in sections 5.C(5) and 5.D(1)(c).

Sec. 2. - Annual departmental budget estimates²¹⁵.

(a)A. Authority to require departmental, ~~agency or office~~ estimates²¹⁶. ~~The mayor~~Mayor shall have the power to require ~~the head of every department, office or agency~~Department Head, including the ~~board~~Department and Board of educationEducation, to submit to the ~~mayor~~Mayor or designee such (a) estimates of revenue and expenditures for the ensuing fiscal year; and (b) any additional information which they possess (including, but not limited to, records, books, accounts, contracts, reports and other papers and documents as specified by the ~~mayor~~Mayor) all of which, in the judgment of the ~~mayor~~Mayor, are necessary to discharge the duties imposed upon the ~~mayor~~Mayor by this Charter.

(b)B. Submission of estimates.~~The head of every department, office or agency~~²¹⁷. Each Department Head shall submit the information required in section 2(a) of this chapter, at such date as the ~~mayor~~Mayor shall determine and in accordance with such procedures as the ~~mayor~~Mayor shall establish, estimates of revenue and expenditure for that ~~department, office or agency.~~Department. Such estimates shall be

²¹⁴ NEW (2022).

²¹⁵ ~~Election of 11-5-02~~

²¹⁶ Recodification of current Sec. 2(a). Election of 11-5-02

²¹⁷ Recodification of current Sec. 2(b). Election of 11-5-02

submitted upon forms furnished by the ~~mayor~~Mayor and shall contain all necessary information. The ~~mayor~~Mayor shall review the estimates and, in preparing the budget, may revise them, except that in the case of the ~~board~~Board of ~~education~~Education, the ~~mayor~~Mayor shall have power to revise only the total estimated expenditure unless otherwise permitted by ~~law~~Law.

C. Contents of Budgetary requests²¹⁸.

(1) Department estimates for General Fund or Operating Budget²¹⁹. The Mayor or a designee of the Mayor shall furnish each Department Head, Board, Commission, authority and other entity receiving or expending City funds or state or federal funds granted to the City (“Budgeted Entity”), forms for the proposed general fund or operating budget requests for the next fiscal year, based upon a uniform object classification. Each such Official shall prepare budgetary requests upon such forms and submit them to the Mayor or said designee at such date as the Mayor shall determine and in a time-frame that will comply with the budget submission requirements of this Charter. The forms shall also elicit information pertaining to

(a) performance measures;

(b) service levels;

(c) differentiation of services to the residents of the City both in terms of policy and service design;

(d) priorities in the planning, budgeting and management of public services, including compliance with the objectives of the plan of conservation and development required by the General Statutes; and

(e) the impact of existing collective bargaining agreements in effect at the time, on the cost of operating the Budgeted Entity, including but not limited to, the contractual requirements pertaining to shift, deployment of equipment, call-in requirements and minimum staffing requirements.

(2) Department Estimates for Capital Projects²²⁰. The Mayor or a designee of the Mayor shall furnish the head of each Budgeted Entity, forms for the estimates of the cost of such projects shall be submitted by each such Budgeted Entity for consideration of the Planning and Zoning Commission. Thereafter, the Planning and Zoning Commission shall prepare and revise annually a program of public improvements for the ensuing five (5) years and shall submit annually to the Mayor, at such time as the Mayor shall direct, its recommendations of such projects to be undertaken in the ensuing fiscal year

²¹⁸ NEW (2022).

²¹⁹ NEW (2022).

²²⁰ 2022 Modification and recodification of current Sec. 9 (second sentence). Election of 11-5-02

and in the full five-year period²²¹. As set forth herein, the Mayor shall present to the Council a program, previously considered by the Planning and Zoning Commission, of proposed capital projects for the ensuing fiscal year and for the five (5) fiscal years thereafter²²².

Sec. 3. - Submission of the ~~mayor's~~ Mayor's proposed budget to the Council. Public hearing²²³.

(a) **Submission.** ~~On or before a date specified by ordinance,~~²²⁴ Concurrent with the ~~mayor~~ Mayor's report on the state and condition of the City at the second (2nd) Meeting of the Council in March of each year, as required by Chapter V, Section 2(i) of this Charter, the Mayor shall submit to the ~~council~~ Council through the ~~city clerk~~ City Clerk:

(i)(1) An annual or current expense budget, hereafter referred to as the budget, which shall be a complete financial plan for the ensuing fiscal year, consisting of the budget ~~proper and the budget message; and,~~²²⁵

(ii) ~~—~~ A capital budget.

(b)(2) **Public hearing.** Upon receipt of said budget, ~~setting forth~~ the city clerk shall transmit copies to the council forthwith and shall call a public hearing on the budget to be held by the council no less than seven (7) days nor more than ten (10) days after its submission. Notice of the date, time and place of said hearing shall be published within three (3) days after the submission of the budget in the manner provided Capital Expenditures as required herein for the publication of ordinances.²²⁶; and,

(c) ~~—~~ *Budget a public record.* Both parts of the budget shall be a public record in the office of the city clerk and shall be open to public inspection. The budget message shall be printed by the mayor for general distribution at the time of its submission to the council, and sufficient copies of the budget proper shall be made available at the same time for the use of the council and the public.

(3) ~~The budget message.~~ The budget message shall A Budget Message²²⁷.

²²¹ 2022 Modification and recodification of current Chapter VII, Sec. 2(d)(2). Election of 11-5-02

²²² NEW (2022). Recodification of Ordinance Sec. 2-516 (first sentence).

²²³ Current Sec. 3. Election of 11-5-02

²²⁴ 2022 Modification and recodification of current Sec. 3(a). Election of 11-5-02

²²⁵ 2022 Modification and recodification of current Sec. 3(a)(i). Election of 11-5-02

²²⁶ Recodification of current Sec. 3(a)(ii). Election of 11-5-02

²²⁷ NEW (2022)

(b) The Budget Message of the Mayor²²⁸. The budget message shall contain the recommendations of the ~~mayor~~Mayor concerning ~~the~~:

(1) The fiscal policy of the ~~city, a~~City²²⁹ for the ensuing fiscal year²³⁰;

(2) A description of the important features of the budget plan, ~~an~~²³¹, including major fiscal and programmatic proposed changes from the current fiscal year²³²;

(3) An explanation of all major increases or decreases in ~~budget recommendations~~proposed expenditures and revenues as compared to the current fiscal year (together with prior years, and at the reasons for such changes)²³³;

~~(d)~~**(4)** A summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main heads of expenditure²³⁴;

Sec. 4. - Required contents for budget submission.

(a) — Scope of annual budget. The budget shall contain²³⁵:

(5) ~~An estimate of all revenue cash receipts~~ The debt position of the City, including a statement of the bonds to mature and the interest payable on bonds outstanding²³⁶;

(6) An explanation of the assumptions that were taken into account for any and all financial forecasts and estimates of expenditures or revenues in the proposed budget, including the amount required to meet existing contractual provisions of collective bargaining agreements pertaining to workforce requirements²³⁷;

(7) An account of the proposed goals, objectives and policy priorities set forth in the proposed budget as well as a statement of how the proposal

²²⁸ Recodification of current Sec. 3(d). Election of 11-5-02

²²⁹ Current clause in Sec. 3(d).

²³⁰ NEW (2022)

²³¹ Current clause in Sec. 3(d).

²³² NEW (2022)

²³³ 2022 Modification of current clause in Sec. 3(d).

²³⁴ Current clause in Sec. 3(d).

²³⁵ Election of 11-5-02-

²³⁶ NEW (2022)

²³⁷ NEW (2022)

complies with and advances the objectives of the plan of conservation and development required by the General Statutes²³⁸; and,

(8) Such other material as the Mayor deems desirable²³⁹.

(c) **Budget Message of the Board of Education²⁴⁰.** The Chair of the Board of Education shall set forth the reasons for their budget recommendations directly to the Council with respect to the programmatic information and estimates for the operation of the Department of Education in the same manner as required in the Budget Message of the Mayor.

(d) **Contents of the Proposed Budget – Part I: The General Fund or Operating Budget (including the Board of Education)²⁴¹.** The budget shall contain:

(1) An itemization of all anticipated revenue²⁴², including sources other than the tax levy of the ensuing fiscal year. The council²⁴³. The estimate of revenues or cash receipts shall present, in parallel columns that are itemized:

(a) Actual revenues collected in the last completed fiscal year²⁴⁴;

(b) Revenues collected during the current fiscal year prior to the time of preparing the estimates²⁴⁵;

(c) Approved revenue for the current fiscal year²⁴⁶;

(d) Estimated revenue to be collected during the current fiscal year²⁴⁷;

(e) Estimated revenue to be collected during the ensuing fiscal year²⁴⁸; and,

(f) The annual income from each source for the past five years setting forth recurring and non-recurring revenues²⁴⁹.

²³⁸ NEW (2022)

²³⁹ NEW (2022).

²⁴⁰ NEW (2022)

²⁴¹ Recodification of current Sec. 4(a). Election of 11-5-02.

²⁴² NEW (2022)

²⁴³ Recodification of current Sec. 4(a)(i) (first sentence). Election of 11-5-02.

²⁴⁴ NEW (2022)

²⁴⁵ NEW (2022)

²⁴⁶ NEW (2022)

²⁴⁷ NEW (2022)

²⁴⁸ Recodification of current Sec. 4(a)(i) (first sentence). Election of 11-5-02.

²⁴⁹ NEW (2022)

~~(i)~~ The Mayor shall include a statement of the assumptions on which the estimates are based²⁵⁰. The Council may, by ~~ordinance~~Ordinance, establish criteria that the ~~mayor~~Mayor must use for estimating cash receipts from sources other than the tax levy²⁵¹;

~~(ii)~~(2) An estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation²⁵²;

~~(iii)~~ — The estimated expenditures necessary for the operation of the several departments, offices and agencies of the city;

~~(iv)~~ — Debt service requirements for the ensuing fiscal year;

~~(3)~~ Itemized estimates of expenditures, presenting the actual expenditures for each Budgeted Entity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, and the requests of the several Departments for the ensuing fiscal year²⁵³.

~~(4)~~ Proposed expenditures for²⁵⁴ debt service requirements for the ensuing fiscal year²⁵⁵; including, a schedule of maturities of bond issues (debt analysis beyond the duration of the five-year capital plan should be consistent with best practices)²⁵⁶. The amount required for interest on the City debt, and for maturing serial bonds and other maturing obligations, and other fixed charges, and the amount required to fund pensions currently which amount shall be determined by an independent actuary designated by the Mayor for that purpose and shall not be subject to reduction or rejection by the Council as set forth in this Charter²⁵⁷;

~~(v)~~(5) An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, assuming a rate of collection not greater than the average rate of collection in the year of levy for the last ~~three (3)~~five (5)²⁵⁸ completed fiscal years; ~~and, as well as estimates for the current fiscal year~~²⁵⁹.

~~(vi)~~(6) A balanced relation between the total estimated expenditures and total anticipated revenue cash receipts, taking into account the estimated general fund cash surplus or deficit at the end of the current fiscal year²⁶⁰; ~~and,~~

²⁵⁰ NEW (2022)

²⁵¹ Recodification of current Sec. 4(a)(i) (second sentence). Election of 11-5-02.

²⁵² Recodification of current Sec. 4(a)(ii). Election of 11-5-02.

²⁵³ 2022 Modification and recodification of current Sec. 4(a)(iii). Election of 11-5-02.

²⁵⁴ NEW (2021)

²⁵⁵ Recodification of current Sec. 4(a)(iv). Election of 11-5-02.

²⁵⁶ NEW (2022)

²⁵⁷ NEW (2022)

²⁵⁸ In lieu of the current three-year standard.

²⁵⁹ Recodification of current Sec. 4(a)(v). Election of 11-5-02.

²⁶⁰ Recodification of current Sec. 4(a)(vi). Election of 11-5-02.

(7) The expenditures required to meet contractual provisions of existing collective bargaining agreements (and other side agreements relating thereto) differentiating between base wages or compensation and additional levels of premium or bonus compensation delineated by category for each Budgeted Entity and showing the provisions of the applicable agreement. The Mayor following consultation with the Chief Financial Officer or equivalent Official responsible for the Office of Management, Budget, Grants and Revenue shall, from time-to-time, propose standards to effectuate the provisions of this sub-section to establish the innumerable categories of compensation, the provisions requiring such compensation and the method of calculating such additional compensation, including but not limited to shift differentials; weekend, holiday and seasonal payment requirements; stand-by and call-in requirements; overtime; certified skill differentials and allocations, minimum equipment; and, personal/workforce requirements. Said standards shall be set forth by Ordinance (“Premium and Additional Compensation Ordinance”)²⁶¹;

(a) Transition Provision: Within thirty (30) Days following effective date of this provision of the Charter, the Mayor shall propose an Additional Compensation Ordinance, which shall be adopted by the Council on or before February 1st of the calendar year immediately following said effective date in order to ensure inclusion in the proposed budget to be submitted with the Mayor’s first Budget Message following said effective date²⁶²;

(8) The proposed goals, objectives and policy priorities of the City expenditures, including, but not limited to the objectives of the plan of conservation and development required by the General Statutes, for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program purpose or activity, and the method of financing such expenditures²⁶³; and,

(9) Such other information as may be required by the Council²⁶⁴.

All estimates shall be in detail showing revenues by sources and expenditures by organization units, activities, character and object. The budget shall be so arranged as to show comparative figures for receipts and expenditures for prior five (5) years and for the current year and the ~~mayor's~~Mayor's recommendations for the ensuing year.²⁶⁵. Revenue sources other than the tax levy of the ensuing fiscal year shall include, but not

²⁶¹ NEW (2022).

²⁶² NEW (2022)

²⁶³ NEW (2022)

²⁶⁴ NEW (2022).

²⁶⁵ Recodification of current Sec. 4(a)(i). Election of 11-5-02.

be limited to enterprise funds, special revenue funds²⁶⁶, grants and imposed fine and recovery funds²⁶⁷.

(e) Contents of the Proposed Budget – Part II: The Capital Projects Budget and Program (including the Board of Education)²⁶⁸. As a part of the budget message the Mayor shall present a program of proposed capital projects for the ensuing fiscal year and for the four (4) fiscal years thereafter (“Continuing Projects”)²⁶⁹, as follows:

(1) Detailed Estimates of Project Costs²⁷⁰. Estimates of the cost of those projects to be undertaken during the ensuing fiscal year²⁷¹ and Continuing Projects²⁷², shall be submitted by each Budgeted Entity, quarterly, in the same time-frame and manner as estimates of other budgetary requirements are prepared for the Mayor.

(2) Annual Levy²⁷³. The Council may levy annually a tax of not more than two (2) mills to be assessed upon the ratable estate within the City at the same time as the regular annual taxes for City expenses, for the benefit of a fund to be known as "The Capital Improvement Fund" established for the purpose of paying such Capital Expenditures in furtherance of the capital improvements for which the City is authorized by this Charter to issue bonds and for no other purpose.

(3) Statement re – Off-Setting Reimbursements²⁷⁴. A statement as to any off-setting reimbursements, such as State or federal grants anticipated in connection with the project

(4) The method of financing the same²⁷⁵. The Mayor shall recommend to the Council the method of financing the same.

(5) Comparison with prior FY capital appropriation²⁷⁶. Such comparison with any prior year's appropriation for capital projects as deemed advisable by the Mayor requested by the Council or required by Ordinance..

²⁶⁶ **DRAFTING NOTE:** Governmental Accounting Standards Board (“GASB”) Statement No 54 “Fund Balance reporting and Governmental Fund Type Definitions.”

²⁶⁷ NEW (2022)

²⁶⁸ 2022 Modification of current Sec. 9. Election of 11-5-02

²⁶⁹ 2022 Modification of current Sec. 9 (first sentence). Election of 11-5-02

²⁷⁰ 2022 Modification of current Sec. 9 (second sentence). Election of 11-5-02

²⁷¹ 2022 Modification and recodification of current Sec. 9 (third sentence/first clause). Election of 11-5-02

²⁷² NEW (2022).

²⁷³ 2022 Modification of current Sec. 9 (fourth sentence). Election of 11-5-02

²⁷⁴ NEW (2022)

²⁷⁵ 2022 Modification of current Sec. 9 (third sentence/second clause). Election of 11-5-02

²⁷⁶ NEW (2022)

(6) Status Report on Previously Approved Capital Projects, including completion dates and remaining balance. A report summarizing the status of Capital Expenditures for each previously approved capital project stating those which have been completed, and the balance of any unexpended bond funds available with recommendations for either redemption of bonds or other capital projects use.

(7) Other pertinent Information. Any other information the Mayor believes to be pertinent, or which is requested by the Council or required by Ordinance.

(f) Appropriation and ~~tax~~ ~~levy~~ ~~ordinances.~~ Tax Levy Ordinances²⁷⁷. Simultaneously with the submission of the budget, the ~~mayor~~ Mayor shall also introduce an appropriation ~~ordinance~~ Ordinance and an ~~ordinance~~ Ordinance making a levy in mills upon all the ratable estate within the ~~city~~ City for the ensuing fiscal year. The appropriation ~~ordinance~~ Ordinance shall be based on the budget but need not be itemized further than by ~~departments~~ Departments and the major divisions thereof and by each independent office and agency and by the principal objects of expenditure.

Sec. 4. - Budget deliberations of the Council²⁷⁸.

A. Public hearings.

(1) Public Hearing on Submission²⁷⁹. Upon receipt of said budget, the City Clerk shall transmit copies to the Council forthwith and shall call a public hearing on the budget to be held by the Council no less than seven (7) Days nor more than ten (10) Days after its submission. Hearing Notice of the date, time and place of said hearing shall be in accordance with the provisions of section 4.A.(4) of this Chapter, below.

(2) Final Public Hearing²⁸⁰. A final hearing by the entire Board shall be held at least fourteen (14) Days prior to adoption of the budget by the Council as set forth in this Charter.

(3) Additional Public Hearings²⁸¹. During the deliberations the Council (or a committee thereof) may hold additional public hearings. Notice of the date, time and place of said hearings shall be noticed as set forth in section 4.A.(4) of this Chapter, below.

²⁷⁷ Recodification of current Sec. 4(b) (last paragraph/first and second sentences). Election of 11-5-02.

²⁷⁸ 2022 Modification and recodification of current Sec. 5. Election of 11-5-02

²⁷⁹ 2022 Modification and recodification of current Sec. 3(b) (first sentence). Election of 11-5-02

²⁸⁰ NEW (2022)

²⁸¹ NEW (2022)

(4) Meeting and Hearing Notice Requirement²⁸². Notice of the date, time and place of said hearing shall be published within three (3) Days after the submission of the budget in the manner provided herein for the publication of Ordinances.

B. Modifications²⁸³. After the conclusion of such Final Public Hearing, in accordance with the time-frame set forth in this Charter, the Council may modify the proposed budget as follows:

(1) Discretionary Actions²⁸⁴. In its sole discretion the Council may with respect to any appropriation:

- (a) insert new line items of expenditures; or,
- (b) increase, decrease or strike out line items of expenditure,

(2) Prohibited Activities. The Council may not

- (a) reduce any item of appropriation for debt service and any item of appropriation necessary to fulfill the obligations of the City as determined by the Pension Commission²⁸⁵; or,
- (b) increase the Mayor's estimates of receipts²⁸⁶.

C. Adoption of the budget²⁸⁷. The Council shall adopt the budget, the appropriation Ordinance and tax levy Ordinance on or before 11:59:59 P.M. on 21st Day of May of each year, and shall make the same available for public inspection as set forth in this Charter or otherwise required by Law ("Adopted Budget")²⁸⁸.

~~(b)~~**(1) Appropriation and Tax Levy Ordinance²⁸⁹.** Neither of the above ordinances Ordinances in section 3.F of this Chapter, above, shall be acted upon until after the adoption of the budget. The hearing upon the budget shall be taken to be the hearings upon the ~~appropriation~~ Appropriation and ~~tax—levy~~ Tax Levy Ordinance.

²⁸² Recodification of current Sec. 3(b) (second sentence). Election of 11-5-02

²⁸³ 2022 Modification and recodification of current Sec. 5(a). Election of 11-5-02

²⁸⁴ 2022 Modification and recodification of current Sec. 5(a) (first sentence/first clause). Election of 11-5-02

²⁸⁵ 2022 Modification and recodification of current Sec. 5(a) (first sentence/second clause). Election of 11-5-02

²⁸⁶ Modification of current Sec. 5(a) (second sentence). Election of 11-5-02

²⁸⁷ Recodification of current Sec. 5(c). Election of 11-5-02

²⁸⁸ Recodification and modification of current Sec. 5(c) (first sentence). Election of 11-5-02

²⁸⁹ Recodification of current Sec. 4(b) (last paragraph/third sentence). Election of 11-5-02.

~~(1)~~ **Sec. 5. - Budget deliberations** Establishment of the council Tax Levy²⁹⁰.

~~(a)(2) Modifications.~~ After the conclusion of such public hearing, but not later than a date specified by ordinance, the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure, except that no item of appropriation for debt service and no item of appropriation necessary to fulfill the obligations of the city as determined by the pension commission shall be reduced. The council shall not increase the mayor's estimates of receipts. Council may, however, decrease the amount of the tax levy for the ensuing fiscal year as proposed by the ~~mayor~~ Mayor in proportion to such decrease in the total of expenditures proposed by the ~~mayor~~ Mayor as it may have determined. If it shall increase the total proposed expenditures such increase shall be reflected in full in the tax rate.

~~(b) Ordinance establishing the budget process.~~ The council shall specify by ordinance the date by which the budget or the budget as amended shall be submitted to the mayor in accordance with the provisions of section 7(c)(4) of Chapter IV of this Charter.

(3) Capital Improvement Fund Levy²⁹¹. The Council may levy annually a tax of not more than two (2) mills to be assessed upon the ratable estate within the City at the same time as the regular annual taxes for City expenses, for the benefit of a fund to be known as "The Capital Improvement Fund" established for the purpose of paying the Capital Expenditures pertaining to the cost of capital improvements for which the City is authorized by this Charter to issue bonds and for no other purpose.

(4) Transmittal of Adopted Budget to Mayor²⁹². Annually, the Adopted City Budget shall be transmitted to the Mayor by the Clerk of the Council no later than the close of business on the 24th Day of May of each year.

Failure to Adopt a Budget.

~~(c)(5) Adoption of the budget.~~ Upon approval, reduction and/or disapproval, of budgetary provisions by the mayor, but not later than a date specified by ordinance but at least one (1) calendar month before the end of the current fiscal year, the council shall adopt the budget, the appropriation ordinance and tax levy ordinance. If it the Council fails to adopt the budget by that the date set forth in section 5.C of this Chapter, above, the budget as adopted in the preceding fiscal year, ("Default Budget"), as adjusted by the amount necessary to meet the funding requirement requirements of the ~~pension commission~~ Pension Commission and legally and contractually required increases, as certified by the

²⁹⁰ 2022 Modification and recodification of current Sec. 5(a) (third and fourth sentences). Election of 11-5-02

²⁹¹ 2022 Modification and recodification of current Sec. 9 (fourth sentence). Election of 11-5-02

²⁹² NEW (2022).

~~finance director~~Director of Finance, shall be deemed to be the budget of the ~~city~~City for the ensuing fiscal year and expenditures shall be made in accordance therewith²⁹³. The ~~council~~Council shall thereupon adopt the appropriation ~~ordinance~~Ordinance and the ~~ordinance~~Ordinance making a tax levy in accordance with the ~~budget adopted~~Default Budget²⁹⁴.

D. Mayoral Action²⁹⁵.

(1) Reduction or Disapproval of Expenditures²⁹⁶. The Mayor may reduce or disapprove any item or items of expenditure in any proposed appropriation.

(a) Report and Statement of Mayoral Action²⁹⁷. If the Mayor disapproves or reduces any item or items of expenditure in the Adopted, the Mayor shall submit a report of such actions to the City Clerk, not later than the close of business on the Twenty-seventh (27th) Day of May of each year, together with a statement of the reasons for the disapproval or reduction.

(b) Transmittal by City Clerk²⁹⁸. By the close of business on the date of receipt, the City Clerk shall transmit said Report and Statement to the Council forthwith.

(c) Failure of the Mayor to Act: Final Action²⁹⁹. Failure of the Mayor to act upon any proposed item or items of expenditure and to submit such action not later than the close of business on the Twenty-seventh (27th) Day of May of each year, shall constitute approval of the Adopted Budget and Deemed to be Final Action.

(2) Effect of Mayoral Reduction or Disapproval of Expenditures: Council Override and Final Action³⁰⁰. In the event the Mayor shall disapprove or reduce any item or items of expenditure of the Adopted Budget, the approved portion thereof shall become effective unless the disapproved or reduced portion

²⁹³ Recodification of current Sec. 5(c) (second sentence). Election of 11-5-02

²⁹⁴ 2022 Modification and recodification of current Sec. 5(c) (third sentence). Election of 11-5-02

²⁹⁵ 2022 Modification and recodification of current Chapter IV, Sec. 7(c)(4)(ii). Election of 11-5-02

²⁹⁶ 2022 Modification and recodification of current Chapter IV, Sec. 7(c)(4)(ii) (first sentences). Election of 11-5-02

²⁹⁷ 2022 Modification and recodification of current Chapter IV, Sec. 7(c)(4)(ii) (second sentences). Election of 11-5-02

²⁹⁸ 2022 Modification and recodification of current Chapter IV, Sec. 7(c)(4)(ii) (third sentence). Election of 11-5-02

²⁹⁹ 2022 Modification and recodification of current Chapter IV, Sec. 7(c)(4)(ii) (fifth sentence). Election of 11-5-02

³⁰⁰ 2022 Modification and recodification of current Chapter IV, Sec. 7(c)(4)(ii) (fourth sentence). Election of 11-5-02

thereof is passed over the Mayor's veto by an affirmative vote of seven (7) members of Council within not later than the first (1st) business day of June of each year. Notwithstanding the foregoing the Council shall take such Final Action on the Report and Statement of Mayoral Action not later than 11:59:59 P.M. on the first business day of June or each year, whereupon the item or items of expenditure shall become effective as finally enacted.

E. Effective Date of Budget³⁰¹. The Appropriation and Tax Levy Ordinances shall become effective upon Final Action as set forth in Sections 5.C(5), 5.D(1)(c) or 5.D(2), as the case may be.

Sec. 6. -- Work program⁵. -- Expenditures and allotments³⁰² Accounting.

A. Proceeds of Capital Improvement Fund³⁰³. The proceeds of such levy shall be kept by the City Treasurer in a special bank account until invested as provided in section 1 of Chapter VI of this Charter.

Certification of funds, penalties for violation³⁰⁴. No payment shall be made and no obligation incurred against any allotment or appropriation unless the Director of Finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this Charter shall be void. ~~After the annual appropriation ordinance has been adopted and before the beginning of the fiscal year the head of each department, office or agency, except the department of education, shall submit to the mayor in such form as the mayor shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the mayor may direct. Before the beginning of the fiscal year the mayor shall approve, with such amendments as the mayor shall determine, the allotments for each such department, office or agency, and shall file the same with the director of finance, who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments. The aggregate of such allotments shall not exceed the total appropriation available to said department, office or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts for the year, plus general fund cash surplus from the preceding year, will be less than the total appropriations, the mayor shall reconsider the work programs and allotments of the several departments, offices and agencies, and revise the allotments so as to forestall the incurring of a deficit.~~

B. Sec. 7. -- Every payment made in violation of the provisions of this Charter

³⁰¹ NEW (2022)

³⁰² Election of 11-5-02

³⁰³ 2022 Modification and recodification of current Sec. 9 (fifth sentence). Election of 11-5-02

³⁰⁴ Recodification of current Sec. 8. Election of 11-5-02

shall be deemed illegal and all Officials who shall knowingly authorize or make such payment or take part therein and all persons who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the City for the full amount so paid or received. If any officer or employee of the City shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein such action shall be cause for removal.

C. Transfer, additional and lapse of appropriations during the fiscal year³⁰⁵.

(a)(1) Transfers of appropriations³⁰⁶. The ~~mayer~~Mayor may at any time transfer any unencumbered appropriation balance or portion thereof from one (1) classification of expenditure to another within the same ~~department, office or agency~~Department. At the request of the ~~mayer~~Mayor, the ~~council~~Council may by ~~resolution~~Resolution transfer any unencumbered appropriation balance or portion thereof from one (1) ~~department, office or agency~~Department to another, except that no funds may be transferred from the funds appropriated to the ~~board~~Board of ~~education~~Education.

(b)(2) Additional appropriations³⁰⁷. Appropriations in addition to those contained in the budget, except for the purpose of ~~meeting~~Meeting a public emergency as provided in Chapter IV, section 2(n), shall be made only on the recommendation of the ~~mayer~~Mayor and only if the ~~director~~Director of ~~finance~~Finance certifies that there is available general fund surplus sufficient to meet such appropriation.

(c)(3) Appropriations to lapse at close of fiscal year³⁰⁸. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

Sec. 8. - Certification~~Transfer of funds, penalties for violation~~³⁰⁹.

~~No payment shall be made and no obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be deemed illegal and all officials who shall knowingly authorize or make such payment or take part therein and all persons who shall knowingly receive such payment or any part thereof shall be jointly and severally liable~~

³⁰⁵ Recodification of current Sec. 7. Election of 11-5-02

³⁰⁶ Recodification of current Sec. 7(a). Election of 11-5-02

³⁰⁷ Recodification of current Sec. 7(b). Election of 11-5-02

³⁰⁸ Recodification of current Sec. 7(c). Election of 11-5-02

³⁰⁹ Election of 11-5-02

~~to the city for the full amount so paid or received. If any officer or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein such action shall be cause for removal.~~

Sec. 9. – Capital budget Funds³¹⁰.

~~(4) As a part of the budget message or as a separate report attached thereto the mayor shall present a program of proposed capital projects for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually in the same manner as estimates of other budgetary requirements are prepared for the mayor. The mayor shall recommend to the council those projects to be undertaken during the ensuing fiscal year and the method of financing the same. The council may levy annually a tax of not more than two (2) mills to be assessed upon the ratable estate within the city at the same time as the regular annual taxes for city expenses, for the benefit of a fund to be known as "The Capital Improvement Fund" established for the purpose of paying the cost of capital improvements for which the city is authorized by this Charter to issue bonds and for no other purpose. The proceeds of such levy shall be kept by the city treasurer in a special bank account until invested as provided in section 1 of Chapter VI of this Charter. The council~~**Council** ~~shall have power to transfer from time to time to the capital improvement fund any portion of the general fund cash surplus not otherwise appropriated.~~

(5) Lapse of Capital Account³¹¹. Appropriations for construction or other permanent improvements, from whatever source made, 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 elapse without any expenditure from or encumbrance of the appropriation therefor, provided, at the request of the ~~mayor~~**Mayor**, the ~~council~~**Council** may, at any time by ~~resolution~~**Resolution**, transfer any unencumbered balance or portion thereof from one (1) project to another.

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D. Monthly Reports³¹²: The Director of Finance shall submit monthly to the Mayor and to the Council a public statement showing:

(1) With respect to appropriations³¹³. The amount of each

³¹⁰ Recodification of current Sec. 9 (sixth sentence). Election of 11-5-02

³¹¹ Recodification of current Sec. 9 (seventh sentence). Election of 11-5-02

³¹² 2022 Modification and recodification of Chapter VIII, Sec. 5(a)(iii). Election of 11-5-02.

³¹³ 2022 Modification and recodification of current requirements under Chapter VIII, Sec. 5(a)(iii). Election of 11-5-02.

appropriation with transfers to and from the same to the end of the preceding month, the encumbrances and expenditures charged against each appropriation during the preceding month, the total of such charges for the year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof.

(2) **With respect to revenues**³¹⁴. The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the year to the end of the preceding month, and the balance remaining to be collected.

(3) **With respect to the projected budget surplus or deficit for the fiscal year**³¹⁵. If the Director of Finance shall project a deficit, the Director shall in such monthly report make recommendations to the Council for actions to be taken to eliminate the full amount of such projected deficit.

(4) **Additional Information**³¹⁶. The Council may by Ordinance require that additional information be included in such report.

(5) **Public Inspection**³¹⁷. Each monthly report shall be available for public inspection as set forth in this Charter.

(6) **Annual Reports**³¹⁸: Concurrent with the Mayor's Submission of the Proposed Budget at the second (2nd) Meeting of the Council in March of each year, the Chief of Police shall submit an annual report accounting for the revenues and expenditures associated with shared forfeiture funds from the state and federal governments. The Council may establish criteria for the information to be included in said report.

³¹⁴ 2022 Modification and recodification of current requirements under Chapter VIII, Sec. 5(a)(iii). Election of 11-5-02.

³¹⁵ NEW (2022).

³¹⁶ NEW (2022).

³¹⁷ NEW (2022).

³¹⁸ NEW (2022)

CHAPTER XI. - BORROWING

Sec. 1. - Issuance authorized³¹⁹.

The ~~city~~City shall have the power to incur indebtedness by authorizing the issuance of its bonds and notes for such purposes, upon such terms, form and to such extent as is authorized and permitted by the General Statutes and applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, grant anticipation notes, tax anticipation notes, notes or bonds pertaining to a public emergency as set forth in section 2(n) of Chapter IV of this Charter, and other types of special obligations authorized and permitted by the General Statutes and applicable Special Acts (all hereinafter "bond" or "notes").

Sec. 2. - Procedures³²⁰.

(a) **Procedural ~~ordinance~~Ordinance**³²¹. The ~~council~~Council may, by ~~ordinance~~Ordinance, adopt procedures for the structure, timing and method or manner of the issuance and sale of bonds and notes. Said ~~ordinance~~Ordinance may set forth the respective roles and co-extensive responsibilities of the ~~city treasurer~~City Treasurer and the ~~director~~Director of ~~finance~~Finance with respect to debt planning, issuance and management; including, but not limited to ~~their authority to retain~~retaining consultants for specialized services.

(b) **Authorization of bonds and notes.** Unless otherwise provided by the General Statutes or applicable Special Acts, bonds and notes shall be authorized by an ~~ordinance~~Ordinance approved by the affirmative vote of six (6) members of the ~~council~~Council, except that notes in anticipation of taxes and bonds or notes to prevent default shall be authorized in accordance with subsection (d) of this section.

(c) **Bond ~~referendum~~Referendum**. If the total estimated costs of any improvement for which bonds or notes are proposed to be issued exceeds two million dollars (\$2,000,000.00), and if the full faith and credit of the ~~city~~City shall be pledged to the payment of any portion of the principal of and interest on the bonds or notes, the ~~ordinance~~Ordinance authorizing the issuance of bonds and notes shall be subject to the approval of a majority vote of ~~city electors~~City Electors voting thereon if, within thirty (30) days after published notice of the enactment by ~~council~~Council, a sufficient petition is filed with the ~~city clerk~~City Clerk requesting that such ~~ordinance~~Ordinance be either repealed or submitted to a vote of the electors. In order for the petition to be sufficient it must be signed in ink by not less than three (3) percent of the ~~city electors~~City Electors as determined by the last-compiled registry list. If the petition is found sufficient, the ~~city clerk~~City Clerk will notify the ~~council~~Council, which shall either repeal the ~~ordinance~~Ordinance or submit it to referendum of the electors at the next general

³¹⁹ Election of 11-5-02

³²⁰ Election of 11-5-02

³²¹ 2022 Modification

election or at such earlier date as the ~~council~~Council may determine in accordance with the relevant statutes. Upon the filing of a sufficient petition, the ~~ordinance~~Ordinance will remain without effect until the electors vote on the question as provided above.

(d) **Notes in anticipation of taxes.** Notes in anticipation of taxes shall be authorized by ~~ordinance~~Ordinance upon the ~~affirmative vote of a majority~~Majority Vote of the ~~council~~Council. The ~~city~~City may pledge its full faith and credit to the payment of the principal of and interest on such notes, provided, however, that the ~~ordinance~~Ordinance shall be effective upon passage and shall not be subject to a petition for referendum under subsection (c) of this section.

(e) **Bonds or notes to prevent default.** Bonds or notes to prevent default on the ~~city's~~City's outstanding indebtedness shall be authorized by ~~ordinance~~Ordinance approved by the affirmative vote of six (6) members of the ~~council~~Council following certification to the ~~council~~Council by the ~~mayer~~Mayor, with the concurrence of the ~~director~~Director of ~~finance~~Finance that, except for such borrowing, a default on the part of the ~~city~~City would take place. Such certification shall be spread on the minutes of the ~~council~~Council. The ~~city~~City may pledge its full faith and credit to the payment of the principal of and interest on such bonds or notes, provided, however, that the ~~ordinance~~Ordinance shall be effective upon passage and shall not be subject to a petition for referendum under subsection (c) of this section.

Sec. 3. - Short period of limitation³²².

When twenty (20) days shall have elapsed after the passage and publication of a bond ~~ordinance~~Ordinance not subject to a petition for referendum under section 2(c) of Chapter XI of this Charter or, when twenty (20) days shall have elapsed after the period for bringing a petition on an ~~ordinance~~Ordinance subject to referendum and such petition has not been filed, the recitals or statements of fact therein shall be deemed to be true for the purpose of determining the validity of the bonds, and the ~~ordinance~~Ordinance shall be conclusively presumed to have been duly and regularly passed and to comply with the provisions of this Charter, and the validity of such bond ~~ordinance~~Ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant except ~~in a suit, action or proceeding~~ commenced within the time limits of this section³²³.

³²² Election of 11-5-02

³²³ Comment of the 2022 Charter Revision Commission: Chapter XII has been recodified in Chapter VII, as follows: Sec. 1 = Chapter VII, Sec. 4(a)(1); Sec. 1(a) = Chapter VII, Sec. 4(d)(1); Sec. 4(b) = Chapter VII, Sec. 4(c)(6); Sec. 1(c) = Chapter VII, Sec. 4(g); and, Sec. 4(d) = Chapter VII, Sec. 4(f). Historical **Editor's note**— See "Pensions ion General" and "Pensions (Charter 1949, Chapter XVI, as Amended) in the Appendix to Charter.

CHAPTER XII. -PENSIONS³²⁴

~~Sec. 1. - Continuance of provisions³²⁵.~~

~~All the provisions of sections 233, 234 and 235 of "An Act Revising the Charter of the City of Hartford," Sp. Laws No. 547, approved June 24, 1941 [sections 21, 31 and 32 of Appendix to Charter], as the same have been amended from time to time by special acts of the General Assembly and/or ordinances (said provisions, as amended, being hereinafter referred to as the "1941 Act"), and all of the provisions of Chapter XVI of "An Act Revising the Charter of the City of Hartford," Sp. Laws 1947, Act No. 30, approved May 1, 1947 [sections 20.1 through 20.5 of Appendix to Charter], as the same have been amended from time to time by special acts of the General Assembly and/or ordinances (said chapter as amended and renumbered, being hereinafter referred to as the "1947 Act"), shall continue in existence, unaffected by this charter. Without limiting the generality of the foregoing:~~

~~(a) — *The role of the pension commission.* The pension commission established under authority of the 1947 Act, and referred to in Chapter VII, section 4 of this Charter, shall continue to administer the municipal employees' retirement fund (the "MERF") and the 415(m) fund, so called, established under the 1947 Act, as well as each of the police benefit fund, firemen's relief fund and retirement system for city employees established under the 1941 Act, and, in so doing, shall also continue to have responsibility to review and, as appropriate, approve and monitor, all investments of the MERF's assets as well as any contracts relating to the care, custody and/or procurement of investment advice with respect to said assets, and/or procurement of any annuities from any life insurance companies with such assets, all as and in the manner provided in the 1947 Act;~~

~~(b) — *The role of the city treasurer.* Subject to subparagraph (a) above, the city treasurer shall continue to have immediate responsibility for the care, custody and investment of all of the assets of the MERF, and also shall continue to have all powers incident to such responsibilities (including the power to invest and reinvest such assets and to enter contracts with qualified custodians, investment advisers and life insurance companies), all as and in the manner provided in the 1947 Act;~~

~~(c) — *No rights, benefits or obligations affected.* No rights, benefits or obligations of any persons in or with respect to the MERF or any other of the city's retirement plans or funds (including, but not limited to, any persons who are receiving or entitled to receive any pensions, allowances or other benefits under or by virtue of any of the aforementioned funds or provisions, and/or any persons in the service of the city on the effective date of this Charter who are or become contributing members of the MERF) are affected by this Charter; it being the intent of this chapter that all such rights,~~

³²⁴ ~~Editor's note~~ — See "Pensions In General" and "Pensions (Charter 1949, Chapter XVI, as Amended) in the Appendix to Charter.

³²⁵ Election of 11-5-02

~~benefits and obligations, and all of the provisions governing them (including, but not limited to, all such provisions as pertain to their administration and the care, custody, and investment of any assets set aside to fund them), shall continue in full force and effect and are not repealed or superceded by this Charter; provided however, that nothing herein shall preclude any of the same from hereafter being duly modified, amended or repealed as and in the manner provided by law.~~

~~(d) **Role of the council.** The council shall recodify the provisions of the 1947 Act and, in so doing, incorporate all of such provisions which pertain to any active employees of the city in and as a part of the Municipal Code and replace all references to the "city manager" that are contained in or pertain to the 1947 Act with the term "mayor," as permitted by the General Statutes.~~

PUBLIC HEARING VERSION - CRC 16 MA

CHAPTER XIII.- MISCELLANEOUS AND TRANSITION PROVISIONS

Sec. 1. - Present ~~ordinances and~~ Ordinances, Regulations and Orders effective³²⁶.

All Ordinances of the City and all Regulations (including all applicable rules effective³²⁷.

~~All ordinances of the city and all rules, regulations and orders~~ and Orders legally made by any ~~department, board, commission~~ Department, Board, Commission or officer of the ~~city~~ City, in force at the effective date of this amended Charter and not inconsistent herewith, shall remain in force until amended, repealed or superseded as provided herein.

Sec. 2. - Constitutionality³²⁸.

In case any portion of this Charter shall at any time be found to be unconstitutional such finding shall not affect the remainder thereof, but as to such remainder this Charter shall remain in full force and effect until amended or repealed.

Sec. 3. - Transition provisions³²⁹.

All ~~departments, agencies, commissions~~ Departments, Boards, Commissions and other units of the ~~city~~ City government previously provided for in the Charter but not provided for in this amended Charter and in existence as of the effective date of this amended Charter, and the positions associated therewith, shall remain in existence unless and until they are altered or abolished by ~~ordinance~~ Ordinance. The ~~directors~~ Department Heads, deputies and assistants of said ~~departments, agencies and commissions~~ Departments, shall continue until replaced by the ~~mayor~~ Mayor.

The terms of all ~~elected officials~~ Elected Officials holding office when this amended Charter is approved by the ~~electors~~ Electors of the ~~city~~ City shall be extended until the terms of the ~~officials~~ Officials elected in the election of November 2003 commence in accordance with the provisions of this amended Charter. ~~Elected officials~~ Officials who are compensated shall be paid a pro rata portion of their salaries during the period of the extension.

Sec. 4. - Effective dates of the provisions of this Charter³³⁰.

The provisions of this amended Charter shall take effect as follows:

³²⁶ Election of 11-5-02

~~³²⁷ Election of 11-5-02~~

³²⁸ Election of 11-5-02

³²⁹ Election of 11-5-02

³³⁰ Election of 11-5-02

(a) Those of Chapter III, section 4(b) concerning the date of elections shall take effect upon approval by the ~~electors~~Electors of the ~~city~~City.

(b) All other provisions shall take effect on January 1, 2004, except that the ~~council~~Council is authorized upon approval of this amended Charter by the ~~electors~~Electors of the ~~city~~City to enact all ~~ordinances~~Ordinances necessary and proper to the implementation of the provisions of this amended Charter as of its effective date.

(c) Those of sections 5(d) and (e) of Chapter VIII shall take effect upon enactment of the ~~ordinances~~Ordinances required to implement said provisions.

Sec. 5. - Periodic review of the Charter³³¹.

In April of 2011, and every ten (10) years thereafter, the ~~council~~Council shall appoint a Charter ~~revision-commission~~Revision Commission, pursuant to Chapter 99 of the General Statutes or the then-comparable provisions. Nothing in this section limits the right of the ~~council~~Council to appoint one (1) or more Charter ~~revision commissions~~Revision Commissions other than the commission required by this section, but no such commission shall be appointed if its appointment would preclude the ~~council~~Council from appointing a commission as required by this section.

Sec. 6. - Periodic Review of the Code of Ordinances³³².

Following each revision of this Charter and every five (5) years thereafter, the Council shall review the Code of Ordinances to ensure compliance and conformity with the provisions of the General Statutes and the Charter of the City. Nothing in this section limits the right of the Council to review the Ordinances at any time in accordance with its legislative and oversight functions.

³³¹ Election of 11-5-02

³³² NEW (2022)

**LEGISLATIVE ACTS PERTAINING TO THE CITY OF HARTFORD OTHER THAN
SPECIFIC CHARTER AMENDMENTS APPENDIX TO CHARTER³³³**

IN GENERAL

Sec. 1. - Date of unlocking voting machines³³⁴.

The ~~town and city clerk~~City Clerk of the City of Hartford is authorized after a municipal primary election to permit the keys of the voting machines to be taken, or any voting machine to be unlocked and its seal to be broken, after a period of five (5) ~~days~~Days from such election.

~~(Sp. Laws 1955, Act No. 353)~~

Sec. 2. - Reserved³³⁵.

Sec. 3. - Batterson Park—Disposal of portion authorized, 1957.

[a] The City of Hartford, upon the recommendation of the ~~city~~City manager and with the affirmative vote of at least six (6) members of the ~~court~~Court of ~~common council~~Common Council taken after a public hearing on said recommendation, is authorized to lease or otherwise similarly dispose of, with or without compensation and without the necessity of seeking competitive bids, all or any part of Batterson Park no longer needed for park purposes to any corporation or institution organized or operating for recreational, educational or similar charitable purposes³³⁶.

[b] The City of Hartford, acting through its ~~board~~Board of ~~park commissioners~~Park Commissioners, is authorized to transfer and convey or otherwise dispose of the following portions of Batterson Park in the Town of Farmington whenever such ~~board~~Board of ~~park commissioners~~Park Commissioners shall determine that such portions of land are not suitable for park purposes: Two (2) parcels butting on the north side of Farmington Cutoff; two (2) parcels abutting on the northwesterly side of the right-of-way of the ~~Connecticut~~Connecticut Company situated north of Farmington Avenue; one (1) parcel abutting on the north side of ~~Tunxic~~Tunxis Road³³⁷.

³³³ **Editor's note**— This Appendix to Charter contains Acts of the Legislature of the State of Connecticut pertaining to the City of Hartford which are not specific Charter amendments. The Acts have been arranged according to subject matter and assigned arbitrary numbers for indexing purposes. The source of each provision is cited in parentheses following each section. The titles, amendatory language and general repealing clauses of each Act have been omitted, and the catchlines have been supplied by the editors. Material in brackets has been added where necessary for clarity.

³³⁴ Sp. Laws 1955, Act No. 353

³³⁵ **Editor's note**— The act (No. 332 of the Special Laws of 1945) from which section 2 (which dealt with destruction of certain records by the town and city clerk) was derived has been repealed.

³³⁶ Sp. Laws 1957, Act No. 475

³³⁷ Sp. Laws 1947, Act No. 292

Sec. 4. - Same—Disposal of all or portions authorized, 1967³³⁸.

Notwithstanding the provision of section 10 of Chapter VIII of Number 30 of the Special Acts of 1947, the City of Hartford is authorized to transfer, convey, exchange, lease or otherwise dispose of land now known as Batterson Park or any portion thereof, provided any such transfer, conveyance, exchange, lease or other disposition is made on the recommendation of the ~~city~~City manager and, after a public hearing, is authorized and approved by an affirmative vote of at least seven (7) members of the ~~court~~Court of ~~common council~~Common Council.

Sec. 5. - Brainard Field, disposal³³⁹.

Notwithstanding the provision of section 10 of Chapter VIII of Number 30 of the Special Acts of 1947, the City of Hartford is authorized to transfer, convey, exchange, lease or otherwise dispose of land now known as the North and South Meadows, including all of Brainard Field or any portion thereof not required for use as an airport facility or training station, provided any such transfer, conveyance, exchange, lease or other disposition is made on the recommendation of the ~~city~~City manager and after a public hearing, is authorized and approved by an affirmative vote of at least six (6) members of the ~~court~~Court of ~~common council~~Common Council.

Sec. 6. - Conveyance to Young Italian-American Association³⁴⁰.

Section 1. Notwithstanding the provisions of section 10 of Chapter VIII of Number 30 of the Special Acts of 1947, the City of Hartford is authorized to transfer and convey a certain parcel of land approximately one hundred seventy-five (175) feet frontage and two hundred (200) feet deep situated on the westerly side of Wethersfield Avenue, Hartford, which land is located in the rear of the premises known as No. 680 Franklin Avenue in said Hartford, to the Young Italian-American Association upon recommendation of the ~~city~~City manager and approval by the ~~court~~Court of ~~common council~~Common Council.

Section 2. Said land shall be sold for a fair and reasonable market price to be determined after an appraisal has been made by three (3) disinterested real estate appraisers. Said land, with any building to be constructed thereon, shall be taxable by the City of Hartford.

Sec. 7. - Conveyance to Veteran Volunteer Firemen's Corporation³⁴¹.

³³⁸ ~~(Sp. Laws 1967, Act No. 48)~~

³³⁹ Sp. Laws 1955, Act No. 74

³⁴⁰ Sp. Laws 1959, Act No. 328

³⁴¹ Sp. Laws 1959, Act No. 457

~~Section 1. Notwithstanding~~Section 1. Notwithstanding the provisions of section 10 of Chapter VIII of Number 30 of the Special Acts of 1947, the City of Hartford is authorized to transfer and convey the land and building known as No. 680 Franklin Avenue, Hartford, to The Veteran Volunteer Firemen's Corporation of the City of Hartford, Connecticut, upon recommendation of the ~~city~~City manager and approval by the ~~court~~Court of ~~common-council~~Common Council.

Section 2. Said land, with building thereon, shall be sold for a fair and reasonable market price to be determined after an appraisal has been made by three (3) disinterested real estate appraisers. Said land, with building thereon, shall be taxable by the City of Hartford, unless exempted by ~~law~~Law.

Sec. 8. - Conveyance of land to Rau-Locke Post No. 8, The American Legion³⁴².

Notwithstanding the provisions of section 10 of Chapter VIII of Number 30 of the Special Acts of 1947, the City of Hartford is authorized to transfer and convey a certain parcel of land lying on the westerly side of Wethersfield Avenue, further bounded and described as follows: Beginning at a point in the westerly line of Wethersfield Avenue, which point is the intersection of said westerly line of Wethersfield Avenue and the southerly line of Hooker Drive, so-called at present, a proposed new street; thence southerly on the westerly line of Wethersfield Avenue, one hundred three (103) feet, more or less, to a point marking the northeasterly corner of land now or formerly of Eunice F. Trevitt, et al.; thence westerly on land of said Eunice F. Trevitt, et al., E. G. Malstrom, et al.; A. M. DeLuca, et al. and J.A. Cataldi et al., partly on each, in all, two hundred seventy-seven (277) feet, more or less, to the northwesterly corner of said land now or formerly of J. A. Cataldi, et al.; thence northerly on land of the City of Hartford one hundred ten (110) feet, more or less to a point in the southerly line of said Hooker Drive, as proposed, which point is about two hundred fifty (250) feet, more or less, westerly from the point of beginning as measured on said southerly line of said Hooker Drive, as proposed; thence easterly on said southerly line of said Hooker Drive, as proposed, two hundred fifty (250) feet, more or less, to the point and place of beginning; in said Hartford, to the Rau-Locke Post No. 8, The American Legion, upon recommendation of the ~~city~~City manager and approval by two-thirds of the ~~court~~Court of ~~common-council~~Common Council. Said land shall be sold for a fair and reasonable market price to be determined after an appraisal has been made by three (3) disinterested real estate appraisers.

Sec. 9. - Tenure of office for teachers—Definitions³⁴³.

[a] The term "teacher," as used in this act, shall include all teachers in the high schools and in the grades below the high school, including kindergartens, teachers of sewing, cooking, manual training and any other special subjects, also principals, vice-principals, deans, supervisors of instruction, nurses and directors of instruction whose positions require certification by the ~~state-board~~State Board of ~~education~~Education, and

³⁴² Sp. Laws 1961, Act No. 261

³⁴³ Sp. Laws 1945, Act No. 277, § 1; Sp. Laws 1947, Act No. 319, § 1

who are regularly appointed by the ~~board~~Board of ~~education~~Education, and employed in the public day schools of the Hartford town and ~~city~~City school districts.

[b] The term "public schools," as used in the act, shall include all public day schools maintained wholly by the Hartford town and ~~city~~City school districts.

Sec. 10. - Same—Qualifications for permanent appointments³⁴⁴.

All teachers regularly appointed and employed in the public day schools of Hartford town and ~~city~~City school districts on July 22, 1945, shall receive permanent appointments provided they have taught for three (3) years in public day schools of the Hartford town and ~~city~~City school districts. Those teachers who have taught less than three (3) years in the public day schools of the Hartford town and ~~city~~City school districts shall be appointed annually provided their services are satisfactory, until they have completed three (3) years' service in the public day schools of the Hartford town and ~~city~~City school districts, or they may be dismissed at the discretion of the ~~board~~Board of ~~education~~Education. If appointed at the expiration of this probationary period of three (3) years, they shall receive permanent appointments. Those teachers appointed after July 22, 1945, shall be appointed on probation annually for three (3) years, provided their services are satisfactory, or they may be dismissed at any time at the discretion of the ~~board~~Board of ~~education~~Education. If appointed at the expiration of this probationary period, they shall receive permanent appointments. Any teacher who, prior to his probationary appointment in the public day schools of the Hartford town and ~~city~~City school districts, has had a contract of employment as a teacher renewed for a fourth year in any other school district in the ~~state~~State shall receive permanent appointment after eighteen (18) months of continuous employment in Hartford, unless, prior to completion of the eighteenth month following commencement of employment in Hartford, such teacher has been notified in writing prior to March first that his contract of employment will not be renewed for the following year irrespective of the duration of employment under the then existing contract beyond the date of said notification or unless such teacher has not been employed in any public school within the ~~state~~State for a period of five (5) or more years immediately prior to his employment in Hartford.

Sec. 11. - Same—Grounds for dismissal; notice³⁴⁵.

Teachers may be dismissed at any time:

- (1) For inefficiency or misconduct;
- (2) By reason for the position to which they were appointed being abolished, provided there is no other position to which they may be appointed if qualified, and provided seniority in service in the day schools of the Town and City of Hartford shall be the determining factor in such dismissal.

³⁴⁴ Sp. Laws 1945, Act No. 277, § 2; Sp. Laws 1967, Act No. 368

³⁴⁵ Sp. Laws 1945, Act No. 277, § 3

No teacher shall be dismissed or suspended except upon written notice from the superintendent of schools, the notice to state the reasons for such action. Notice of dismissal shall not take effect in less than three (3) months. In cases where serious misconduct is charged a teacher may be suspended from duty immediately.

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Sec. 12. - Same—Appeals from dismissal or suspension³⁴⁶.

Teachers may appeal to the ~~board~~Board of ~~education~~Education against suspension or dismissal but such appeal shall be in writing stating the grounds of the appeal, and shall be filed with the ~~board~~Board of ~~education~~Education within thirty (30) ~~days~~Days after the date of notice of suspension or dismissal. The ~~board~~Board of ~~education~~Education upon the receipt of such notice of appeal shall fix a date for a hearing upon said appeal which hearing shall be before a majority of the ~~board~~Board of ~~education~~Education and shall be within thirty (30) ~~days~~Days of the receipt of the appeal. Such hearing shall be open or private as the teacher may request. Teachers shall have the right to appear with counsel at such hearing and said counsel shall have the right to represent and advise the teacher at such hearing and to participate in any or all proceedings of the hearing. Within thirty (30) ~~days~~Days after the hearing the ~~board~~Board of ~~education~~Education shall decide the case by a majority vote of the ~~board~~Board of ~~education~~Education, all members present voting. Such appeal shall in no way be interpreted as prohibiting a teacher from appealing to the civil courts of this state. If the suspension or dismissal is reversed the notice of suspension or dismissal shall be void and of no effect and the teacher shall be reinstated. If the teacher is reinstated as above, any salary lost shall be paid to the teacher.

Sec. 13. - Same—Leaves of absence³⁴⁷.

Any teacher who enlists or who is or has been selected for service in or with the armed forces of the United States, the Red Cross, or the United Service Organizations shall be granted leave of absence for the duration of such service and upon his application made within six (6) months of his honorable discharge or release or resignation therefrom and not more than one (1) year after his return to the continental United States, whether discharged or not, said ~~board~~Board shall within a reasonable time after he is available for teaching, assign him the same or similar position held at the time he entered such service if he be then physically and mentally capable of satisfactorily performing the duties of such position. This reinstatement shall be made without prejudice as to salary.

Sec. 14. - Same—Leaves included in "consecutive period of service³⁴⁸."

The consecutive period of service prescribed herein shall include any period served in the Hartford town and ~~city~~City day schools prior to such service as stated in section five [section 13 of this Appendix] of this act, provided such teacher shall, within six (6) months after honorable discharge from such service apply for return to active service in said school system.

³⁴⁶ Sp. Laws 1945, Act No. 277, § 4

³⁴⁷ Sp. Laws 1945, Act No. 277, § 5

³⁴⁸ Sp. Laws 1945, Act No. 277, § 6

Sec. 15. - Same—Persons affected by act³⁴⁹.

All teachers appointed in the public day schools of the Hartford town and ~~city~~City school districts for the school year 1945-1946 and thereafter, shall be appointed subject to the provisions of this act.

~~PENSIONS IN GENERAL~~

~~Sec. 16. - Retirement credit for policemen and firemen for service in armed forces.~~

~~In determining length of service for the purposes of the retirement system of the City of Hartford as it applies to the members of the police and fire departments of that city, the length of service of the personnel of those departments who are members of said departments on July 1, 1945, shall be deemed to include their war service during the first world war, even though said members of said police and fire departments may not have been employed by the City of Hartford at the time of their participation of said war. In determining length of service for the purposes of said retirement system as it applies to members of the police and fire departments who served in World War II, the length of service of the personnel of those departments who were members of said departments when they entered war service shall be deemed to include accredited city pension time plus an additional month for each month of such war service. (Sp. Laws 1945, Act No. 394; Sp. Laws 1949, Act No. 281)~~

~~Sec. 17. - Retirement credit for police employees during World War II.~~

~~In determining length of service for the purpose of the retirement systems of the City of Hartford as they apply to members of the police department of that city, the length of service of the personnel of said department shall be deemed to include their war service during the second world war, December 7, 1941, through December 31, 1946, even though such members of said police department may not have been employed by the City of Hartford at the time of their participation in the second world war, provided such members shall pay into the retirement system to which they belong, for each year of such war service, a sum equal to two and one-half (2½) percent of the first year's salary as a city employee with interest at five (5) percent per annum, said payment to be made on or before October 1, 1969, and the legislative body of said city approves same. (Sp. Laws 1957, Act No. 521; as amended by Ord. No. 3-68, 2-13-68; Sp. Laws 1969, Act No. 242)~~

~~Sec. 18. - Retirement credit for police for service in hospitals.~~

~~In determining the length of service for the purpose of the Hartford Police Benefit Fund, the length of service of the personnel of the police department shall be deemed to~~

³⁴⁹ Sp. Laws 1945, Act No. 277, § 7

~~include any prior service to the City of Hartford in the John James McCook Memorial Hospital or the Municipal Hospital of said city. Such prior service shall be included even though such members of said police department may not have been employed continuously by the City of Hartford. Such members shall pay into the Police Benefit Fund for each year of such prior service a sum equal to two and one-half (2½) percent of the annual wages received, together with interest at five (5) percent per annum, such payment to be made to the treasurer of the Hartford Police Benefit Fund on or before October 1, 1960.~~

~~(Sp. Laws 1959, Act No. 477)~~

~~Sec. 19. -- Retirement credit for police for service in widows' aid department.~~

~~In determining the length of service for the purpose of the Hartford Police Benefit Fund, the length of service of the personnel of the police department shall be deemed to include any prior service to the City of Hartford in the widows' aid department of said city. Such prior service shall be included even though such members of said police department may not have been employed continuously by the City of Hartford. Such members shall pay into the police benefit fund for each year of such prior service a sum equal to two and one-half (2½) percent of the annual wages received, together with interest at five (5) percent per annum, such payment to be made to the treasurer of the Hartford Police Benefit Fund on or before October 1, 1962.~~

~~(Sp. Laws 1961, Act No. 92)~~

~~Sec. 20. -- Certain female employees in police and fire departments included in pension plans.~~

~~Each female telephone employee in the police department of the City of Hartford and the female secretary and administrative aide to the fire board and department may be included in the pension plans of the respective departments by hereafter contributing to the police benefit fund or to the firemen's relief fund, as the case may be a sum equal to two and one-half percent of her salary, and she shall thereby be entitled to and receive all of the benefits of said police benefit fund or firemen's relief fund.~~

~~(Sp. Laws 1947, Act No. 466)~~

~~PENSIONS (CHARTER 1949, CHAPTER XVI, AS AMENDED)³⁵⁰~~

~~Sec. 20.1. -- Retirement allowances for present city employees³⁵¹.~~

~~The rights of all persons in the service of the city actually receiving or entitled to receive, prior to the effective date of this act, pensions or retirement allowances under the retirement system for city employees, the police benefit fund or the firemen's relief~~

³⁵⁰~~Cross reference~~ — See also Chapter XII of the Charter and "Pensions In General" in the Appendix to Charter.

³⁵¹Sp. Laws 1947, Act No. 30, Ch. XVI, § 1; Ord. No. 28-67, 11-7-67

~~fund, as provided in sections 233, 234 and 235 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, are expressly validated and the city shall continue to pay such pensions or allowances in accordance with the respective provisions of said sections. All persons in the service of the city prior to the effective date of this Charter who were actually contributing to the retirement system for city employees, the police benefit fund or the firemen's relief fund, shall, unless they voluntarily withdraw from the same, continue to be members thereof, and the provisions of said sections 233, 234 and 235, as amended, shall remain in full force and effect for their benefit, but said sections shall not be applicable to any person entering the service of the city subsequent to the effective date of this Charter.~~

~~**Sec. 20.2. -- Pension commission**~~³⁵².

~~There shall be a pension commission of three (3) members none of whom shall hold any other office in the city government and one (1) of whom shall be a fellow or associate of either the Actuarial Society of America or the American Institute of Actuaries, appointed by the city manager, one (1) each year for a term of three (3) years commencing on the first Monday of February. Vacancies shall be filled by the city manager for the unexpired portion of the term. The city treasurer shall act as secretary of the commission and the personnel director shall attend all meetings of the commission but neither shall have a vote. The commission shall continue to administer the retirement system for city employees as provided in section 233 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, and shall succeed to all the powers and duties of the board of police commissioners as trustees of the police benefit fund and of the board of fire commissioners as members of the board of trustees of the firemen's relief fund. The commission shall administer the municipal employees' retirement fund hereinafter established. In addition to the three (3) voting members, there shall be one (1) nonvoting member of the commission elected by members of the municipal employees' retirement fund.~~

PUBLIC HEAR

³⁵² ~~Sp. Laws 1947, Act No. 30, Ch. XVI, § 2; Ord. No. 28-67, 11-7-67.~~

Sec. 20.3. -- Municipal employees' retirement fund³⁵³.

~~There shall be a municipal employees' retirement fund.~~

~~(a)(i) *Membership.* All persons who are members of the municipal employees' retirement fund on July 1, 1968, all persons entering the classified service of the city subsequent to said July 1, 1968, as full-time permanent employees, all employees of the board of education, except teachers, and (subject to paragraph (y) below) those other unclassified employees of the city who so elect, except teachers, shall be members of the municipal employees' retirement fund. Any other employee of the city, except a teacher, who is a member of the retirement system for city employees, the police benefit fund or the firemen's relief fund may become a member of such fund upon application and withdrawal from the retirement system for city employees, the police benefit fund or the firemen's relief fund, as the case may be, upon such conditions as to the payment of arrears of contributions as the pension commission may require.~~

~~(ii) *Definitions.* Except as otherwise provided by or required under any applicable collective bargaining agreement, as used in Section 3(b) of this Chapter, the following terms shall have the meanings ascribed thereto below, unless, and then only to the extent, a different meaning is specifically provided with respect to any such terms within the context of said section:~~

³⁵³ ~~(Sp. Laws 1947, Act No. 30, Ch. XVI, § 3; Sp. Laws 1957, Act No. 347, § 1; Ord. of 12-8-58; Ord. No. 28-67, 11-7-67; Ord. No. 24-68, 6-24-68; Ord. No. 25-68, 6-24-68; Ord. No. 26-68, 6-24-68; Ord. No. 27-68, 6-24-68; Ord. No. 28-68, 6-24-68; Ord. No. 46-68, 9-23-68; Ord. No. 47-68, 9-23-68; Ord. No. 48-68, 9-23-68; Ord. No. 16-69, 6-2-69; Ord. No. 20-70, 6-22-70; Ord. No. 21-70, 6-22-70; Ord. No. 24-71, 6-28-71; Ord. No. 29-71, 8-18-71; Ord. No. 14-72, 5-8-72; Ord. No. 20-73, 11-13-73; Ord. No. 19-74, 4-22-74; Ord. No. 21-74, 7-8-74; Ord. No. 28-79, 11-13-79; Ord. No. 15-80, 8-12-80; Ord. No. 1-82, 1-4-82; Ord. No. 2-82, 1-4-82; Ord. No. 3-82, 1-4-82; Ord. No. 4-82, 1-4-82; Ord. No. 22-83, 6-27-83; Ord. No. 23-83, 9-12-83; Ord. No. 24-83, 9-12-83; Ord. No. 3-84, 2-14-84; Ord. No. 28-84, 7-9-84; Ord. No. 35-84, 10-22-84; Ord. No. 37-85, 11-25-85; Ord. No. 35-86, 10-14-86; Ord. No. 36-86, §§ 1, 2, 10-27-86; Ord. No. 37-86, 10-27-86; Ord. No. 27-88, 6-13-88; Ord. No. 62-88, 9-27-88; Ord. No. 75-88, 12-12-88; Ord. No. 76-88, 12-12-88; Ord. No. 77-88, 12-12-88; Ord. No. 78-88, 12-12-88; Ord. No. 5-89, 2-27-89; Ord. No. 6-89, 2-27-89; Ord. No. 7-89, 2-27-89; Ord. No. 8-89, 2-27-89; Ord. No. 16-89, 4-10-89; Ord. No. 17-89, 4-10-89; Ord. No. 18-89, 4-10-89; Ord. No. 105-89, 10-23-89; Ord. No. 106-89, 10-23-89; Ord. No. 111-89, 12-28-89; Ord. No. 112-89, 12-28-89; Ord. No. 113-89, 12-28-89; Ord. No. 114-89, 12-28-89; Ord. No. 115-89, 12-28-89; Ord. No. 68-90, 10-9-90; Ord. No. 42-91, 7-8-91; Ord. No. 2-92, 1-13-92; Ord. No. 3-92, 11-13-92; Ord. No. 31-92, 6-22-92; Ord. No. 36-92, 7-21-92; Ord. No. 38-92, 9-14-92; Ord. No. 1-93, 1-4-93; Ord. No. 3-93, 1-25-93; Ord. No. 14-93, 6-14-93; Ord. No. 15-93, 6-14-93; Ord. No. 17-93, 6-14-93; Ord. No. 23-93, 7-12-93; Ord. No. 25-93, 7-12-93; Ord. No. 26-93, 7-12-93; Ord. No. 34-93, 8-9-93; Ord. No. 33-94, 9-26-94; Ord. No. 5-95, 5-22-95; Ord. No. 6-95, 5-22-95; Ord. No. 1-97, 1-13-97; Ord. No. 6-97, 3-24-97; Ord. No. 7-97, 3-24-97; Ord. No. 22-97, 11-24-97; Ord. No. 50-98, 10-6-98; Ord. No. 51-98, 10-6-98; Ord. No. 52-98, 10-6-98; Ord. No. 62-98, 12-14-98; Ord. No. 4-99, 1-25-99; Ord. No. 10-00, 4-24-00; Ord. No. 22-02, 6-10-02; Ord. No. 23-02, 6-10-02; Ord. No. 24-02, 6-24-02; Ord. No. 10-03, 4-28-03; Ord. No. 14-03, 5-12-03; Ord. No. 15-03, 5-12-03; Ord. No. 16-03, 5-12-03; Ord. No. 17-03, 5-12-03; Ord. No. 18-03, 5-12-03; Ord. No. 20-03, 5-27-03; Ord. No. 36-03, 6-23-03; Ord. No. 05-04, 2-9-04; Ord. No. 06-04, 2-9-04).~~

~~(1) "Nonbargaining unit employee" shall mean and include all nonbargaining unit general government employees of the city as well as all nonbargaining unit employees of the Hartford Public Library;~~

~~(2) "Nonbargaining unit city employee" and "nonbargaining unit employee of the city" shall mean and include only those nonbargaining unit general government employees of the city;~~

~~(3) "General government employee" shall mean only those employees of the city (including the Civic Center) who are not (a) a sworn police officers of firefighters, (b) Board of Education employees, or (c) Hartford Public Library employees;~~

~~(4) A member's "final average pay" shall be based upon his or her gross earnings only to the extent that the provisions of this Chapter specifically provide for his or her final average pay to be calculated in that manner.~~

~~(5)~~

~~(A) Commencing August 1, 1993, a member's "gross earnings" with respect to any year of service shall mean and include all amounts payable by the city directly to such member for services rendered by such member to the city (including, but not limited to, any and all of its agencies, commissions, boards, offices and departments) within such time period which amounts shall include, but not necessarily be limited to, such member's basic salary, payments for or in lieu of overtime, longevity pay, and retroactive pay increases, as and to the extent each is attributable to such services, but, except as provided in subsection (B) below, shall not include either any amounts paid for services rendered in some other time period or any payments made to a member upon and by reason of his or her termination of employment (including, but not limited to any and all severance payments and lump sum payments for accrued vacation and sick time).~~

~~(B) Commencing August 1, 1993, any member whose final average pay is based upon his or her "gross earnings" over a stated period of time shall have his or her "gross earnings" adjusted to account for any lump sum payments made to such member for accrued vacation and sick time upon his or her termination of employment by, and only by, adjusting such member's final average pay period such that the last day of that period corresponds to what such member's last day of work would have been had such member continued to work beyond his or her actual last day of work for that period of time equal to his or her creditable accrued vacation and sick time; providing however, that nothing herein shall be construed to permit or require the adjustment of the length of time included within a member's final average pay period. Thus, expressed as a formula, and subject to the foregoing provisos, a member whose final average pay~~

is based on "gross earnings" shall have his or her final average pay period adjusted as follows:

Last day of	creditable accrued
final average	= last day + vacation and
pay period	of work sick time

~~(6)~~

~~Unless, and then only to the extent, this chapter provides that a member's final average pay is to be based upon his or her "gross earnings" over a stated period of time, a member's "final average pay" shall not include any amounts paid to such member upon or by reason of his or her termination of employment with the city either for accrued sick time or as a severance payment.~~

~~(7)~~

~~"Final average pay period" for each member shall mean those total number of such member's final years of service from which some subset thereof is to be used for purposes of determining such member's final average pay. Thus, for example, if a member is entitled to have his or her pension benefit calculated on the basis of his or her highest two (2) of his or her last five (5) years of gross earnings, then such member's final average pay period is such five (5) year period. Except as otherwise provided in subsection (a)(ii)(5)(B) above, a member's final average pay period shall end on the day prior to his or her effective date of retirement.~~

~~(8)~~

~~Commencing on August 1, 1993, a member's "last day of work" prior to retirement shall be that date designated by the city as the last day on which he or she was expected to provide services to the city, which, in any case, shall not include any period of time that an employee is carried on the city's books and records as an employee to account for the lump sum payment of accrued vacation time to such member in connection with his or her termination of employment with the city. A member's bona fide absence from work on any date under and in accordance with the city's personnel rules and/or such member's collective bargaining agreement, as applicable, shall not be considered a basis for determining that such member was not expected to provide services to the city on such date.~~

~~(9)~~

~~(A)~~

~~"Creditable accrued vacation and sick time" shall mean the sum of a member's creditable accrued vacation time and creditable accrued sick time.~~

~~(B)~~

~~"Creditable accrued vacation time" shall mean that period of time between the day following a member's last day of work and the date upon which such member's last day of work would have occurred had such member remained an active employee and received payments for his or her accrued vacation on a weekly [basis] as opposed to a lump sum basis, both dates inclusive.~~

~~(C)~~

~~"Creditable accrued sick time" shall mean that period of time commencing with the member's effective date of retirement, for which such member would continue to receive~~

~~his or her basic weekly pay if such member were to receive amounts paid thereto for accrued sick time upon his or her termination of employment on a weekly basis, as opposed to in a lump sum, without regard to whether any days in such time period are or have been designated holidays for active employees.~~

~~(D)~~

~~The "effective date of retirement" for each member shall be the day after the period of time following such member's last day of work which is equal to his or her creditable accrued vacation time.~~

~~(E)~~

~~For purposes of this subsection, a member's "basic weekly pay" shall mean the gross wages that a member would be paid per week based upon the rate of pay used to calculate the lump sum amounts paid to a member on account of accrued vacation and sick time upon his or her termination of employment.~~

~~(Ord. No. 60-93, 10-25-93)~~

~~(b)~~

~~*Normal retirement.* Effective November 1, 1985, for nonbargaining unit policemen and firemen and effective July 1, 1986, for all bargaining unit policemen and firemen, normal retirement for employees hired before July 1, 1984, shall be after twenty (20) years of continuous service and normal retirement for employees hired on or after July 1, 1984, shall be after twenty (20) years of continuous service or at age forty five (45) whichever is later. The normal retirement date for other members shall be the day following his or her sixty fifth (65th) birthday, if employed in any other capacity. Any member shall be eligible for retirement and to receive a normal retirement allowance on or after his or her normal retirement date, provided such employee has completed at least ten (10) years of continuous service with the city. Also, any member who is not represented by a bargaining unit, and who is not a policeman or a fireman, or is represented by Local 1716, Council #4, AFSCME, AFL-CIO, Local 566 Council #4, AFSCME, AFL-CIO, Local 818, Building and Ground Supervision, Local 3534, Hartford Federation of Educational Personnel, and the School Crossing Guards Association shall be eligible for retirement and to receive a normal retirement allowance at any time after his or her sixtieth (60th) birthday, provided he or she has completed at least twenty five (25) years of continuous service. Normal retirement for members of Local 2221, Hartford Paraprofessionals shall be at age sixty (60) with twenty (20) years of continuous service or at age sixty five (65) with ten (10) years of continuous service. Any member of the Hartford Federation of Public School Secretaries with at least twenty five (25) years of service and at least fifty five (55) years of age, or a member with at least ten (10) years of service and at least sixty (60) years of age will be eligible for normal retirement.~~

~~At any time after a member becomes eligible for retirement and to receive a normal retirement allowance, as provided in the preceding paragraph, the actual date of his retirement shall be established by an application on a prescribed form signed by the member, or by an application signed by both his appointing officer and either the city manager, or the superintendent of schools for employees of the board of education. Payment of his normal retirement allowance shall be subject to the approval of the pension commission as to his eligibility and the amount of his allowance.~~

~~For any member, except all policemen and firemen, the normal retirement allowance shall amount to one (1) percent of that portion of the employee's average earnings on which social security taxes were paid by the city for the full number of years included in the computation of his primary social security benefit, and two (2) percent of the balance of his final average pay, multiplied by the number of years of his service. Final average pay shall mean the average annual rate of pay for the highest five (5) years of his earnings during the last ten (10) years of service immediately preceding his retirement.~~

~~Effective November 1, 1985, for all nonbargaining unit policemen and firemen and effective July 1, 1986, for all bargaining unit policemen and firemen employed prior to July 1, 1984, the normal~~

~~retirement allowance shall amount to 2.5 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and 2.0 percent of final average pay for each whole year of service thereafter and for those employed on or after July 1, 1984, the normal retirement allowance shall be the same as those hired prior to July 1, 1984, except normal retirement shall be after twenty (20) years of continuous service or at age forty five (45), whichever is later, retirement allowance shall amount to 2.5 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and 2.0 percent of final average pay for each whole year of service thereafter to a maximum of seventy (70) percent of final average pay, and final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty which is based on the employee's total overtime and private duty hours averaged over the employee's last twenty (20) years service or actual years of service, whichever is less. Final average pay for all policemen and firemen hired prior to July 1, 1984, shall be computed on the same basis as final average pay for policemen and firemen is computed on the date of the adoption of this ordinance.~~

~~Effective July 1, 1986, for all bargaining unit policemen and firemen and November 1, 1985, for all nonbargaining unit policemen and firemen, pension benefits shall vest after ten (10) years of continuous service. Any policeman or fireman who leaves the service of the city after his or her pension has vested will be entitled to collect a pension benefit commencing on the date he or she would have reached his or her normal retirement date.~~

~~Any provision of this Chapter to the contrary notwithstanding effective on the date of adoption of this ordinance, all nonbargaining unit policemen and firemen shall contribute to the fund eight (8) percent of his or her total earnings and on January 1, 1986, all bargaining unit policemen and firemen shall contribute to the fund eight (8) percent of his or her total earnings. Such contributions shall be deducted at each pay period and credited to his or her account.~~

~~Any member of the retirement system for city employees under the provisions of Section 233 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, who becomes a member of the municipal employees' retirement fund on or after July 1, 1968, shall be entitled to receive a retirement allowance computed under the terms of this section or under the terms of said Section 233 of "An Act Revising the Charter of the City of Hartford," whichever is greater.~~

~~Any provision of this chapter to the contrary notwithstanding, any nonbargaining unit employee who is actively employed by the city on or after August 1, 1993, shall be eligible for retirement and to receive a normal retirement allowance upon completion of at least twenty five (25) years of continuous service regardless of his or her age or upon completion of at least ten (10) years of continuous service by or at any time after his or her sixtieth (60th) birthday. The normal retirement allowance shall amount to two (2) percent of final average pay for each year of service to a maximum of seventy (70) percent of final average pay and final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings. Any employee who is age fifty five (55) with at least ten (10) years of service but less than twenty five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60). Said reduced pension shall remain in effect for the duration of the pension. Any disability under section 3(e) or disability allowance under section 3(f) shall be computed as provided above and shall be subject to the limitations of said sections 3(e) and 3(f). Commencing January 1, 1987, all nonbargaining unit employees shall contribute to the fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be in lieu of any contributions required under the provisions of sections 3(k) and 3(q) of this chapter. Commencing July 1, 1988, any nonbargaining unit employee may elect to have his or her final average pay computed on the basis of the employee's highest two (2) of the last five (5) years of his or her gross earnings. Any nonbargaining unit employee who elects to have his or her final average pay computed on the basis of the employee's highest two (2) of the last five (5) years of his or her~~

~~gross earnings shall make such election by filing a notice thereof with the city treasurer on or before November 1, 1988, or within thirty (30) days of his or her commencement of employment as a city employee, whichever is later. Any nonbargaining unit employee who makes such election shall contribute to the fund an additional one (1) percent of the employee's earnings above the four (4) percent of the employee's earnings on which social security taxes are paid and the seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund.~~

~~Normal retirement for all members of Local #2221, Hartford Federation of Paraprofessionals, Local 1018, Hartford Federation of Corridor Supervisors, Local 3534, Hartford Federation of Technical Support Personnel, Local 1018 A/B, Hartford Federation of School Health Professionals, Local 818, Building and Ground Supervisors, Hartford Education Support Personnel, Hartford School Support Supervisors Association, and all non-bargaining unit employees of the board of education employed on or after the date of adoption of this ordinance [October 10, 1990], shall be at age fifty five (55) with at least twenty five (25) years of service or age sixty (60) with at least ten (10) years of service. The normal retirement allowance shall amount to two (2) percent of final average pay for each year of service to a maximum of seventy (70) percent of final average pay, and final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings. Any employee who is age fifty five (55) with at least ten (10) years of service but less than twenty five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60). Said reduced pension shall remain in effect for the duration of the pension. Any disability or disability allowance shall be computed as provided above and shall be subject to the limitations of sections 3(e) and 3(f). All employees covered by this paragraph shall contribute to the fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be in lieu of any previous contributions required. (Ord. No. 18-94, 6-13-94)~~

~~Commencing September 1, 1988, for all members of Local 1018 A/B, Hartford Federation of School Health Professionals, normal retirement shall be at age fifty five (55) with at least twenty five (25) years of service or age sixty (60) with at least ten (10) years of service. The normal retirement allowance shall amount to two (2) percent of final average pay for each year of service. Commencing July 12, 1993, final average pay will be computed on the basis of an employee's highest three (3) years of the last five (5) years of his or her gross earnings. Any employee who is age fifty five (55) with at least ten (10) years of service but less than twenty five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60). Said reduced pension shall remain in effect for the duration of the pension. Any disability or disability allowance shall be computed as provided above and shall be subject to the limitations of Sections 3(e) and 3(f). Commencing September 1, 1988, all bargaining unit employees shall contribute to the fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be in lieu of any previous contributions required.~~

~~Effective September 11, 1989, for all members of the Hartford Federation of School Secretaries the normal retirement allowance shall amount to two (2) percent of the employee's final average pay per whole year of service to a maximum of seventy (70) percent of the final average pay. The final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings.~~

~~If any nonbargaining unit city employee retires from city service as a member of the unclassified service and his or her last day of work falls on or between September 26, 1989 and July 31, 1993, and, at such time, he or she is either an elected official or an appointee of one or more elected officials (hereinafter a "term-limited employee"), then such member's gross earnings in his or her final year of service shall include all amounts payable to such member upon his or her retirement on account of unused vacation and sick time as if such amounts all were earned and paid on and~~

~~as of his or her last day of work, so long as, but only to the extent, that inclusion of such amounts in such member's gross earnings does not result in such member receiving an annual pension benefit in excess of the lesser of (i) his or her actual regular earnings in the twelve months preceding such member's last day of work prior to such member's retirement (i.e., all of such member's actual earnings payable in such time period exclusive of any lump sum payments for accrued sick or vacation time payable upon termination of such member's employment with the City), or (ii) the IRC Maximum Benefit.~~

~~If any nonbargaining unit city employee (other than term limited employee) retires from city service and his or her last day of work falls on or between July 13, 1990 and July 31, 1993, then such employee's gross earnings shall include all amounts payable to such member upon his or her retirement on account of unused vacation time prior to his or her effective date of retirement and shall also include all amounts payable to such member upon his or her retirement on account of unused sick time (hereinafter, "lump sum sick payment") as if such lump sum sick pay was earned and paid on and as of his or her last day of work, so long as, but only to the extent, that inclusion of such amounts in such member's gross earnings does not result in such member receiving an annual pension benefit in excess of the lesser of (i) his or her actual regular earnings in the twelve (12) months preceding such member's last day of work prior to such member's retirement (i.e., all of such member's actual earnings payable in such time period exclusive of any lump sum payments for accrued sick or vacation time payable upon termination of such member's employment with the city), or (ii) the IRC Maximum Benefit.~~

~~Notwithstanding anything to the contrary which is set forth in this Chapter, no member shall be entitled to receive a pension benefit in excess of the maximum amount which is permitted under the Internal Revenue Code of the United States from time to time (the "Code") in order for both the fund, and its members' interests therein, to retain the tax favored treatment provided by the Code thereto (herein, the "IRC Maximum Benefit").~~

~~The provisions set forth in subparagraphs (1) and (2) below, shall apply to all members of Local #2221, Hartford Federation of Paraprofessionals who retire after January 25, 1993:~~

~~(1)~~

~~The normal retirement allowance for such members shall amount to 2.5 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service, and two (2) percent of final average pay for each whole year of service thereafter, up to a maximum of seventy (70) percent of final average pay; and~~

~~(2)~~

~~Final average pay for such members will be computed on the basis of an employee's highest three (3) out of the last five (5) years of his or her gross earnings.~~

~~Any member of Local #2221, Hartford Federation of Paraprofessionals who, but for having been furloughed at any time during the 1992—1993 school year, would have completed an entire year of service by June 30, 1993, shall be entitled to contribute such additional amounts to the fund as such member would have contributed had such member not been furloughed (without interest) and thereby be credited with such additional year of service, providing that such member pays such amounts to the fund on or before the earlier of (i) December 31, 1993, or (ii) his or her effective date of retirement.~~

~~All members of Local #2221, Hartford Federation of Paraprofessionals, Local #1018-C, Hartford Federation of School Secretaries, Local #1018, Hartford Federation of Corridor Supervisors, Local #3534, Hartford Federation of Technical Support Personnel, Local #1018 A/B, Hartford Federation of School Health Professionals, Local #818, Building and Ground Supervisors and all non-bargaining unit employees of the Board of Education who were furloughed for one (1) day during the 1990-91 school year shall not lose credit for such day for purposes of this chapter.~~

~~Notwithstanding any other provision of this Chapter to the contrary, any member who is determined by the Pension Commission to be eligible to receive any of the benefits provided under this Chapter who, on or after the date such benefits become payable, is entitled to and in fact does contribute to the fund by reason of his or her election or appointment to, or employment in, a position with the City (including, but not limited to, any of its agencies, departments, boards or commissions) shall~~

~~not be entitled to collect such benefits during the period he or she holds such position; providing, however, that this restriction shall not apply in respect of any benefits to the extent they were first payable on or before (the effective date hereof). Any benefits which otherwise would be payable to any member under this Chapter but for the restrictions set forth in this paragraph shall be paid thereto (without interest) at such time when such member no longer holds a position by reason of which he or she is entitled to contribute to the fund.~~

~~No member shall be deemed to have retired, or to otherwise then be eligible to qualify for any benefits otherwise payable under this Chapter, as and to the extent he or she is employed by the City or any of its agencies, departments, boards or commissions in a position for which he or she applied, received and offer, or was accepted, prior to the date on which such benefits otherwise would first be payable; providing, however, that nothing in this sentence shall constitute a basis for denying any member any benefits to the extent they first became payable prior to (the effective date hereof). In no event shall the level of any benefits payable to any member by reason of his or her participation in the fund prior to qualifying for and electing to receive any benefits under this Chapter be increased as a result of his or her renewed participation in the fund at any time after he or she has made such election.~~

~~The following provisions will apply to all nonbargaining unit sworn police officers and firefighters who are in the employ of the city on or after December 31, 1996:~~

~~1.~~

~~Any provisions of this Chapter or the Municipal Code to the contrary notwithstanding, all nonbargaining unit sworn police officers and firefighters who were not employed as sworn police officers or firefighters on or before December 31, 1996, shall be entitled to receive, and only shall be paid, such of these pension and other retirement benefits as are provided to nonbargaining unit city employees pursuant to this Chapter (hereinafter, "Nonbargaining Pension Benefits"). All nonbargaining unit sworn police officers and firefighters who became sworn police officers or firefighters prior to January 1, 1997, also may elect to receive Nonbargaining Pension Benefits by notifying the City Treasurer of their desire to do so on or before March 31, 1997, or within thirty (30) days of the commencement of his or her employment as a nonbargaining unit sworn police officer or firefighter, whichever is later. Any nonbargaining unit sworn police officer or firefighter who elects to or otherwise is entitled to receive Nonbargaining Pension Benefits shall be provided with such benefits in lieu of any other pension or retirements benefits to which they otherwise would be entitled under this Chapter or the Municipal Code and only in accordance with the provisions of this paragraph and otherwise with the eligibility criteria and other terms and conditions affecting the provision of benefits to nonbargaining unit city employees as are set forth elsewhere in this chapter.~~

~~2.~~

~~Any contributions to the fund which have been made by any nonbargaining unit sworn police officer or firefighter prior to the time when he or she elects to or otherwise becomes entitled to receive Nonbargaining Pension Benefits shall remain in the fund and be applied toward the Nonbargaining Pension Benefits to be provided to such employee hereunder. Thereafter, and subject to the provisions of subparagraph 3 below, any nonbargaining unit sworn police officer or firefighter who elects to or otherwise is entitled to receive Nonbargaining Pension Benefits shall make such contributions to the fund in the same manner and on the same terms as are required of, and shall be entitled to earn interest on any contributions which have been or thereafter are made to the fund in the same manner and on the same terms as apply to, nonbargaining unit city employees; providing, however, that no such employee shall be entitled to receive any additional or different interest on any contributions which were made prior to his or her making the aforesaid election at any time prior thereto other than such interest, if any, which was then required to be provided in respect thereof. Nothing herein shall be deemed to preclude a member or his or her beneficiaries, if any, from withdrawing or otherwise being paid any of such member's contributions as provided in this Chapter upon termination of his or her employment or otherwise.~~

~~3.~~

~~Any nonbargaining unit sworn police officer or firefighter who elects to or otherwise is entitled to receive Nonbargaining Pension Benefits also shall have the option (a) to have his or her final~~

~~average pay computed on the basis of the highest two (2) of the last five (5) years of his or her gross earnings ("Option A"), as well as (b) to receive credit in the calculation of his or her retirement allowance for any periods of time that he or she served in the armed forces of the United States pursuant to Section 3(w) of this Chapter for which he or she previously has not made contributions to the fund ("Option B"), so long as, in either case, he or she notifies the City Treasurer of his or her desire to exercise such option (and, in the case of Option B above, also makes the contributions required under Section 3(w) of this Chapter) on or before March 31, 1997, or within thirty (30) days of the commencement of his or her employment as a nonbargaining unit sworn police officer or firefighter, whichever is later. Any employee who exercises Option A above shall thereafter contribute to the fund one (1) percent of his or her earnings above the four (4) percent of the employee's earning on which social security taxes are (or would otherwise be) paid and the seven (7) percent of the balance of the employees earnings, to be deducted at each pay period and credited to his or her account in the fund.~~

~~(bi) Pension benefits for all bargaining unit and nonbargaining unit police officers:~~

~~1.~~

~~All present retirement and survivor benefits of persons who became sworn police officers prior to July 1, 1987, shall remain in effect except as follows:~~

~~1.~~

~~The employee contribution to the pension fund will be eight (8) percent of total earnings.~~

~~2.~~

~~Service retirements for those employees hired before July 1, 1984, will be based on two and one-half (2.5) percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and two (2.0) percent of final average pay for each whole year of service thereafter.~~

~~3.~~

~~Normal retirement for employees hired before July 1, 1984, shall be after twenty (20) years of continuous service. Employee pension benefits vest after ten (10) years of continuous service.~~

~~4.~~

~~An employee who vests his or her pension and leaves the service of the city will be entitled to collect a pension benefit commencing on the date he or she would have reached his or her normal retirement date.~~

~~5.~~

~~Effective upon signing, an employee may purchase up to four (4) years of military service time for service in the Armed Forces of the United States for periods of service, any of which occurred during the periods set forth in Section 27-103 of the General Statutes of the State of Connecticut, at the rate payable at the time of entry into city service, with interest at the rate of seven (7) percent per annum. The period of such service for which the employee receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance provided such employee shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto, due to disability incurred in the course of his or her employment.~~

~~6.~~

~~Effective July 1, 1986, employees hired on or after July 1, 1984, will be entitled to a service pension identical to employees hired before July 1, 1984, with the following exceptions:~~

~~A.~~

~~Normal retirement after twenty (20) years of continuous service or at age forty-five (45), whichever is later.~~

~~B.~~

~~Retirement benefit based on two and one-half (2.5) percent of final average pay of each whole year of service for the first twenty (20) years of continuous service and two (2) percent of final average pay for each whole year of service thereafter to a maximum of seventy (70) percent of final average pay.~~

~~C.~~

~~Final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty hours averaged over the employee's last twenty (20) years service or actual years of service whichever is less.~~

~~7.~~

~~Effective July 1, 1986, an employee with less than fifteen (15) years of continuous service who suffers a permanent partial disability arising out of and in the course of employment as defined in the Worker's Compensation Act and who is eligible for a special disability allowance as provided for in the municipal employees retirement fund will have such special disability allowance reduced by any income from gainful employment which, together with the special disability allowance, exceeds one hundred (100) percent of the current rate of pay for an employee of the same or corresponding job classification held by the employee at the time of such retirement.~~

~~II.~~

~~Effective July 1, 1987, for all persons who became sworn police officers on or after July 1, 1987, the following retirement and service benefits shall be in effect:~~

~~1.~~

~~The employee contribution rate to the pension fund will be five (5) percent of total earnings.~~

~~2.~~

~~Service retirements will be based upon two (2) percent of final average pay for each whole year of service to a maximum of seventy (70) percent of final average pay.~~

~~3.~~

~~Normal retirement age shall be age fifty-five (55) with at least twenty-five (25) years of service.~~

~~4.~~

~~Employees who retire prior to the time specified in paragraph 3 herein, will receive pension benefits reduced by four (4) percent for each whole year by which the early retirement precedes the employee's normal retirement age, with proration for a fraction of a year of continuous service or, employees may elect early retirement between the ages of fifty-five (55) and sixty (60) with ten (10) years of continuous service.~~

~~5.~~

~~**Final** average pay will be computed on the basis of the employee's highest three (3) of the last five (5) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty which is based on the employee's total overtime and private duty hours averaged over the employee's last twenty-five (25) years of service or actual years of service whichever is less.~~

~~6.~~

~~Social security benefits shall not be included in this plan.~~

~~7.~~

~~Effective upon signing, an employee may purchase up to four (4) years of military service time for service in the Armed Forces of the United States for periods of service, any of which occurred during the periods set forth in Section 27-103 of the General Statutes of the State of Connecticut, at the rate payable at the time of entry into city service, with interest at the rate of seven (7) percent per annum. The period of such service for which the employee receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance provided such employee shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto, due to disability incurred in the course of his or her employment.~~

~~III.~~

~~Effective July 1, 1988, for all persons who became sworn police officers prior to July 1, 1987, all present retirement and survivor benefits shall remain in effect except as follows:~~

~~1.~~

~~The employee contribution to the pension fund will be eight (8) percent of total earnings.~~

~~2.~~

~~Service retirements for those employees hired before July 1, 1984, will be based upon 2.65 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and, the following table for each whole year of continuous service thereafter to a maximum of seventy (70) percent of final average pay.~~

~~EXPAND~~

Year	Percentage
21	56%
22	58%
23	60%
24	62%
25	64%
26	65%
27	66%
28	67%
29	68%
30	69%
31	70%

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~~3.~~

~~Normal retirement for employees hired before July 1, 1984, shall be after twenty (20) years of continuous service. Employee pension benefits vest after ten (10) years of continuous service.~~

~~4.~~

~~An employee who vests his or her pension and leaves the service of the city will be entitled to collect a pension benefit commencing on the date he or she should have reached his or her normal retirement date.~~

~~5.~~

~~An employee may purchase up to four (4) years of military service time for service in the Armed Forces of the United States for periods of service, any of which occurred during the periods set forth in Section 27-103 of the General Statutes of the State of Connecticut, at the rate payable at the time of entry into city service, with interest at the rate of seven (7) percent per annum. The period of such service for which the employee receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance provided such employee shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto, due to disability incurred in the course of his or her employment.~~

~~6.~~

~~Final average pay will be computed on the basis of the employee's highest three (3) of the last five (5) years' earnings.~~

~~7.~~

~~Employees hired on or after July 1, 1984, who became sworn police officers prior to July, 1987, will be entitled to a service pension identical to employees hired before July 1, 1984, with the following exceptions:~~

~~A.~~

~~Normal retirement after twenty (20) years of continuous service or age forty five (45), whichever is later.~~

~~B.~~

~~Final average pay will be computed on the basis of the employee's highest three (3) of the last five (5) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty which is based on the employee's total overtime and private duty hours averaged over the employee's last twenty (20) years service or actual years of service, whichever is less.~~

~~8.~~

~~An employee with less than fifteen (15) years of continuous service who suffers a permanent partial disability arising out of and in the course of employment as defined in the Workers' Compensation Act and who is eligible for a special disability allowance as provided for in the municipal employees retirement fund will have such special disability allowance reduced by any income from gainful employment which, together with the special disability allowance, exceeds one hundred (100) percent of the current rate of pay for an employee of the same corresponding job classification held by the employee at the time of such retirement.~~

~~9.~~

~~In lieu of the provisions of III, 2 hereinabove all nonbargaining unit sworn police officers who have reached a retirement benefit of seventy (70) percent or more of their final average pay as of July 1, 1988, shall receive a four (4) percent increase to their service retirement credit existing under I, 2 above on July 1, 1988. On their next anniversary date of continuous service following July 1, 1988, they shall receive an additional two percent increase to their service retirement credit. After receipt of this two percent increase such members shall be at the maximum percentage of final average pay to be used for retirement purposes.~~

~~(b.ii) Final average pay for all bargaining unit and non-bargaining unit firemen retiring after July 1, 1987 will be computed on the basis of the employee's highest three (3) of the last five (5) years total annual earnings. Total annual earnings include private jobs, overtime, and longevity pay, if applicable.~~

~~(b.iii) The provisions set forth in subparagraphs (1), (2), (3) and (4) below shall apply to all non-bargaining unit city employees whose effective date of retirement is on or after July 1, 1994.~~

~~(1)~~

~~Any such non-bargaining unit city employee shall be eligible for retirement and to receive a normal retirement allowance upon completion of at least twenty (20) years of service regardless of his or her age. The normal retirement allowance for such non-bargaining unit city employees shall amount to 2.5 percent of final average pay for each whole year of service up to a maximum of 80 percent of final average pay; and~~

~~(2)~~

~~Final average pay for such non-bargaining unit city employees will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings unless the employee had previously elected to have his or her average pay computed on the basis of the employee's highest two (2) of the last five (5) years of his or her gross earnings as provided in subsection (b) hereinbefore.~~

~~(3)~~

~~Any such non-bargaining unit city employee may elect to retire without reduction of benefits after fifteen (15) years of continuous employment provided such employee elects to leave his or her contributions in the fund until the date on which he or she would have first become eligible for a normal retirement allowance at which time he or she shall receive a retirement allowance computed on the basis described in paragraphs (1) and (2) of this subsection (b.iii) for a normal retirement allowance.~~

~~(4)~~

~~(i)~~

~~If any such employee has at least twenty (20) days of accumulated, but unused, sick leave upon his or her retirement and the retirement allowance that otherwise would be payable to such employee in the absence of this subparagraph (4) would be less than eighty (80) percent of the employee's final average pay (hereinafter, for purposes of this subparagraph (4), a "qualifying retiree"), then the amount of pension service used in the calculation of such person's retirement allowance, and the number of days of accumulated, but unused, sick leave for which such person otherwise would be entitled to be paid upon retirement, shall be adjusted in accordance with the terms of this subparagraph (4). Such adjustments shall be effected by increasing the amount of the qualifying retiree's pension service by one (1) whole year of service for each twenty (20) days of accumulated, but unused, sick leave that were credited to such person's account prior to the calculation of any amounts that otherwise would have been or will be paid to such person pursuant to the sick pay~~

~~reduction formula applicable to that person, up to a maximum of four (4) whole years of pension service credit or eighty (80) percent of final average pay, whichever results first. Likewise, the amount of accumulated sick leave for which the employee otherwise is entitled to be paid a lump sum upon retirement shall be concomitantly reduced by twenty (20) days for each additional year of pension service that is credited to such retiree as aforesaid. Fractional years of pension service shall not be awarded pursuant to this provision.~~

~~(ii)~~

~~Any additional pension service credited to any qualifying retiree pursuant to this subparagraph (4) shall not be used for establishing eligibility for normal retirement benefits as provided in paragraph (1) of this subsection (biii), but shall be used as additional service credits for qualifying retirees who are qualified or become qualified for normal or early retirement benefits as those terms are defined in this chapter. The additional retirement allowance resulting from the additional pension service credited to any qualifying retiree's benefit pursuant to this subparagraph (4) will be calculated as provided in paragraph (1) of this subsection (biii), provided, again, that the maximum annual normal retirement allowance payable (or otherwise applicable to) any such retiree shall not exceed eighty (80) percent of the retiree's final average pay.~~

~~(iii)~~

~~As an example, assume that a qualifying retiree, as of her last day paid, is working a thirty five (35) hour work week and being paid a salary of one thousand dollars (\$1,000.00) per week (or two hundred dollars (\$200.00) per day). Assume further that she has one hundred (100) days of accumulated sick leave and otherwise is entitled to be paid fifty (50) percent of the value of such leave upon retirement or ten thousand dollars (\$10,000.00) (i.e. (100 days × 50%) × \$200.00 a day). Finally, assume that the retiree has thirty (30) years of pension service and, thus, pursuant to subparagraph (1) above, otherwise would be entitled to a normal retirement allowance equal to seventy five (75) percent of her final average pay (i.e. 30 years × 2.5% per year). In that case, the retiree shall be credited with an additional two (2) whole years of pension service and the number of days of accumulated sick leave for which she will be paid upon retirement will be reduced by forty (40) days. As a result, such retiree's normal retirement allowance shall equal eighty (80) percent of the retiree's final average pay (i.e. 75% + (2 years × 2.5% per year) and the amount of her lump sum payment on account of accumulated sick leave will equal six thousand dollars (\$6,000.00) (i.e. (100 days – 40 days) × \$200.00 per day).~~

~~(iv)~~

~~The provisions of this subsection shall be effective retroactive to January 1, 2003.~~

~~Notwithstanding any provisions of this Chapter to the contrary, including, without limitation, the provisions set forth in subsection 3(y)(4) of this Chapter, any permanent, nonbargaining unit city employee who is an active member of the unclassified service at any time between October 1, 1998 and December 31, 1998, both dates inclusive, and who previously has elected not to be, and is not then, a member of the fund, shall have the right to elect to become a member of the fund in accordance with and subject to the provisions of this subparagraph. Any employee who wishes to make such election shall give written notice to the city treasurer to that effect on or before December 31, 1998. Any such employee who has given such notice shall, effective January 1, 1999, thereupon be a member of the fund, and thereby entitled to receive those benefits applicable to, and obligated to make those contributions required of, nonbargaining unit city employees under and pursuant to the terms of this Chapter as apply to such employees for and during the period of his or her service thereafter, providing, however, that no such employee shall be entitled to have any of his or her contributions "picked-up" and paid by the City of Hartford as otherwise would be provided pursuant to the provisions of section 3(y) of this Chapter. Any election which is made to become a member of the fund pursuant to this subparagraph shall be irrevocable.~~

~~Notwithstanding any provisions of this Chapter to the contrary, including, without limitation, the provisions set forth in subsection 3(y)(4) of this Chapter, any active, permanent, nonbargaining unit city employee (and any active, full-time, permanent city employee who is a member of a collective bargaining unit which has agreed to the provisions of this subparagraph who previously was a member of the unclassified service) who (i) is or elects to become a member of the fund at any time~~

~~between October 1, 1998 and December 31, 1998, both dates inclusive, (ii) is not then receiving a retirement benefit, and (iii) previously chose not to be, or otherwise was not, a member of the fund during any time he or she was a member of the unclassified service, shall have the option to include that portion of his or her Qualified Prior Unclassified Service Time (as hereinafter defined) in the calculation in his or her length of service for purposes of determining his or her retirement allowance, subject to and in accordance with the terms of this subparagraph. Any employee who wishes to exercise this option must (1) provide the city treasurer with written notice of his or her desire to do the same by December 31, 1998, and (2) thereafter pay the municipal employees' retirement fund an amount equal to the contributions required in respect of any of his or her Qualified Prior Unclassified Service Time for which he or she desires to be given credit pursuant to this subparagraph in the manner and on such terms as may be specified by the pension commission. Nothing in this subparagraph shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this Chapter. Any member who elects to exercise the option to purchase additional pension credit pursuant to this subparagraph shall make a contribution to the fund for each fiscal year, or part thereof, for which he or she is purchasing credit hereunder equal to the sum of (1) the product of his or her salary during each such year, or part thereof, times the contribution rate in effect for nonbargaining unit city employees as of December 31, 1998, plus (2) interest on the amounts derived pursuant to the foregoing calculated at the pension commission's assumed rate of return for the fund as of and from June 30th of each such fiscal year, or part thereof, to the date the pension commission approves such member's application to acquire the same. No contributions which are required to be made pursuant to this subparagraph shall be "picked up" and paid by the City of Hartford as otherwise would be provided pursuant to the provisions of section 3(y) of this Chapter. For purposes of this subparagraph, a member's "Qualified Prior Unclassified Service Time" shall mean such prior unclassified service time for which he or she served as a permanent employee and neither is receiving a retirement benefit, nor has retained a vested benefit, from any other employer; a member shall be deemed to be "receiving a retirement benefit" if, prior to January 1, 1999, he or she has filed an application to be paid, or has been awarded, any benefits under this Chapter.~~

~~(c)~~

~~*Mandatory retirement.* The mandatory retirement date for any member shall be the fifth anniversary of his normal retirement date. Any member who reaches his mandatory retirement age shall be retired immediately; and if he is a policeman or fireman and has at least fifteen (15) years, or in the case of all other employees who are members of the municipal employee's retirement fund at least ten (10) years, of continuous service with the city, he shall be entitled to receive a retirement allowance computed in the same manner as the normal retirement allowance. The pension commission may at its option defer the mandatory retirement date for an employee upon written recommendation of his department head.~~

~~(d)~~

~~*Early retirement.* Any member, other than a policeman or a fireman, may elect early retirement after his fifty-fifth birthday provided he has completed at least ten (10) years of continuous service. Any member who is employed as a policeman or a fireman may elect early retirement after his fiftieth birthday provided he has completed at least ten (10) years of continuous service. Any member who is employed as a policeman or a fireman may elect early retirement after his fiftieth birthday provided he has completed at least fifteen (15) years of continuous service. In event of his early retirement such a member may elect one (1) of the following options in lieu of the refund of contributions in subsection (j):~~

~~(1)~~

~~To leave his contributions in the fund until the date on which he would have first become eligible for a normal retirement allowance at which time he shall receive a retirement allowance computed on the basis described in subsection (b) for a normal retirement allowance; or~~

~~(2)~~

~~In the case of a policeman, or a fireman, or an employee of the board of education, to receive an immediate early retirement allowance which shall be determined by the pension commission and which shall be actuarially equivalent to the retirement allowance provided by option (1); or~~
(3)

~~In the case of a member who is not represented by Local 501 CSEA, Inc., or who is not an employee of the board of education, except board of education employees presently represented by Local 566, Council #4, AFSCME, AFL-CIO, Local 818, Building and Ground Supervision, and Local 3534, Hartford Federation of Education Personnel to receive an immediate early retirement allowance equal to the amount of retirement allowance provided by option (1) reduced by two (2) percent for each whole year by which the date of his termination of service falls short of the date on which he would have first become eligible for a normal retirement allowance as provided in subsection (b), with proration for any fraction of a year; or~~

(4)

~~In the case of a member, including those represented by Local 3534, Hartford Federation of Education Personnel and the School Crossing Guards Association of Hartford, Connecticut, but excluding policemen and firemen and other employees of the board of education who are represented by a bargaining unit, and who has completed twenty-five (25) years of continuous service and attained age sixty (60), to receive an immediate early retirement allowance equal to the amount provided by option (1) without reduction.~~

(5)

~~After July 1, 1978, any policeman or fireman may elect early retirement after twenty (20) years of continuous service. An employee who elects such early retirement after July 1, 1978, and before July 1, 1981, will receive pension benefits reduced by two (2) percent for each whole year by which the date of early retirement precedes the date on which he would have completed twenty five (25) years of continuous service, with proration for a fraction of a year. An employee who elects early retirement after July 1, 1981, and before July 1, 1983, after at least twenty (20) years of continuous service will receive a pension based on two (2) percent of the final average pay for each whole year of service and reduced by one (1) percent for each whole year by which the date of early retirement precedes the date on which he would have completed twenty five (25) years of continuous service, with proration for a fraction of a year. An employee who elects early retirement on or after July 1, 1983, after at least twenty (20) years of continuous service will receive a pension based on two (2) percent of final average pay for each whole year of service.~~

(1)

~~A member of the Hartford Federation of School Secretaries who is age fifty-five (55) with at least ten (10) years of service but less than twenty-five (25) years of service shall be eligible to receive pension benefits reduced by four (4) percent for each whole year the member retires short of age sixty (60).~~

(e)

~~*Retirement for disability.* Any member shall be eligible for retirement and to receive a disability retirement allowance if he becomes permanently and totally disabled from engaging in any gainful employment, provided he has completed at least ten (10) years of continuous service, or provided that such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of his employment by the city, as defined by the workmen's compensation act. The amount of the disability retirement allowance shall be computed in the same manner as the normal retirement allowance, using a final average pay equal to his average annual rate of pay for the ten (10) years immediately preceding his disability retirement; provided such disability allowance for permanent and total disability arising out of and in the course of his employment, as defined in the workmen's compensation act, shall not be less than one-half (½) of the member's annual pay at the time his disability was incurred. Such disability retirement allowance shall continue during the period of such disability. Any amount or amounts received under the workmen's compensation act shall be deducted from such disability retirement allowance. The existence and continuance of disability shall be determined by the pension commission upon such medical evidence and other investigation as it may require. No disability retirement allowance under this section, plus workmen's compensation~~

payments, if any, plus any amounts payable by reason of social security coverage attributable to city employment, shall exceed two-thirds (2/3) of the member's average annual pay during the ten (10) years immediately preceding his retirement, but no such disability retirement allowance shall be less than three hundred sixty dollars (\$360.00) annually. No such disability retirement allowance shall be paid if the disability has been caused by the willful misconduct or intoxication of the disabled member. In order to obtain a disability retirement allowance under this section, a member shall apply in writing for such allowance to the pension commission within one (1) year after incurring the disability, and the allowance may be made retroactive to the date at which the pay of the disabled member ceased.

(f)

~~Special disability allowance. Any member who suffers a permanent disability which does not prevent him from engaging in any gainful employment may nevertheless be eligible to receive a special disability retirement allowance if he has completed at least ten (10) years of continuous service or if such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of his employment by the city, as defined by the workmen's compensation act, and if it is shown to the satisfaction of the pension commission that as a result of said disability the income which he can derive from gainful employment has been reduced at least ten (10) percent below the income he was earning at the time he incurred such disability. Such special disability retirement allowance may continue during the period of such reduced income. The amount of the special disability retirement allowance shall be determined by the pension commission in a manner consistent with the determination of the disability retirement allowance; it shall not be less than ten dollars (\$10.00) monthly nor more than one and two-thirds (1 2/3) percent of the reduction in income multiplied by the number of years of service unless the permanent disability arises out of and in the course of employment as defined in the workmen's compensation act, in which case it shall be not less than fifty (50) percent of the reduction in income.~~

(g)

~~Survivor's benefits. If a member who is serving as a city policeman or fireman dies before retirement from a cause arising out of and in the course of his employment, as defined in the workmen's compensation act, his widow shall receive a monthly survivor's allowance at a rate equivalent to fifty (50) percent of his annual pay at the time of his death, until she dies or remarries. If said member leaves a child or children under the age of eighteen, each such child shall receive a monthly survivor's allowance at a rate of ten (10) percent, as measured above, until he reaches age eighteen (18), marries or dies, whichever comes first; however, if the member leaves no widow, each child's allowance shall be at the rate of fifteen (15) percent. The total annual survivor's allowances payable under this section plus workmen's compensation payments, if any, shall not exceed three quarters of the member's average annual pay during the five (5) years immediately preceding his death. Any allowances paid under this subsection shall be in lieu of the refund of contributions, provided by subsection (j); except that if the total allowances paid under this subsection should be less than the refund of contributions which would otherwise have been paid, then the excess of said refund over said allowances shall be paid in accordance with subsection (j). As used herein the term "widow" shall include "widower".~~

(h)

~~Continuity of service. Periods of absence of not more than ninety (90) days in any one (1) calendar year shall not be considered as breaking continuity of service. Periods of absence of more than ninety (90) days by reason of a leave of absence granted by the council, or where the absence is occasioned by disability involving the regular attendance of a physician unless such attendance is declared unnecessary by medical authority satisfactory to the pension commission, shall not be considered as breaking continuity of service, but such periods shall not be included in determining the amount of the retirement allowance.~~

~~If a member terminates his employment, withdraws his retirement contributions from the fund and is subsequently reemployed, he may request that he be allowed to repurchase his prior service credits. Such request and repayment must be made no later than ninety (90) days after the completion of~~

~~the probationary period. If such request is not made within the prescribed period of time, the member shall be deemed to have waived this right.~~

~~Any member who has completed his or her probationary period prior to October 1, 1989, and who failed to make such request and repayment within ninety (90) days after the completion of the probationary period is hereby granted an extension of time until December 1, 1989, to make such request and repurchase his or her prior service credits. If such request is not made prior to December 1, 1989, the member shall be deemed to have waived this right.~~

~~Effective October 1, 1998, any nonbargaining unit employee of the City (and any member of a collective bargaining unit which agrees to the provisions of this subparagraph) who (i) has completed his or her probationary period prior thereto, (ii) is, or by January 1, 1999 will be, a member of the fund, (iii) failed to request that he or she be allowed to repurchase any of his or her prior service credits and/or to repay the fund therefor within ninety (90) days after completion of his or her probationary period, and (iv) neither is receiving a retirement benefit nor has retained a vested benefit with respect to such prior service from any other employer, is hereby granted an extension of time until December 31, 1998 to make such request and repurchase his or her prior service credits, subject to and in accordance with this subparagraph. Any such employee who wishes to repurchase his or her prior service credits pursuant to this subparagraph must provide written notice to the city treasurer of his or her desire to do the same by December 31, 1998 and shall thereafter pay the municipal employees' retirement fund an amount equal to the sum of (1) his or her contributions for such prior service which were returned to such employee, and (2) interest on said contributions at the rate of seven (7) percent per annum from the date such employee was rehired by the city to the date the pension commission approves such member's application to repurchase any credits hereunder. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however, that no contributions which are required to be made pursuant to this subparagraph shall be "picked up" and paid by the City of Hartford pursuant to the provisions of section 3(v) of this chapter. Nothing in this subsection shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter.~~

~~Notwithstanding any provisions of this chapter to the contrary, effective May 1, 2003, any nonbargaining unit employee of the city (and any member of a collective bargaining unit which agrees to the provisions of this subparagraph) who (i) has completed his or her probationary period prior thereto, (ii) is a member of the fund, and (iii) following a maternity or paternity leave, returned to work as a part-time employee of the city before ultimately returning to work as a full-time employee of the city, shall have the option to include that qualified prior part-time service time (as hereinafter defined) in the calculation in his or her length of service for purposes of determining his or her retirement allowance, subject to and in accordance with this subparagraph. Qualified prior part-time service time for such periods shall be determined on a prorated basis, based upon actual hours of service provided to the city, provided said service was no less than twenty (20) hours per week. Any such employee who wishes to exercise this option must provide written notice to the city manager and city treasurer of his or her desire to do the same by May 30, 2003 and shall thereafter pay the municipal employees' retirement fund an amount equal to the contributions required in respect of any of his or her qualified prior part-time service for which he or she desires to be given credit pursuant to this subparagraph in the manner and on such terms as may be specified by the pension commission. Any member who elects to exercise this option to purchase additional pension credit pursuant to this subparagraph shall make a contribution to the fund for each fiscal year, or part thereof, for which he or she is purchasing credit hereunder equal to the sum of (1) the product of his or her salary during each such year, or part thereof, times the contribution rate in effect for the member at the time he or she was rehired as a full-time employee, and (2) interest on the amounts derived pursuant to the foregoing calculated at the rate of seven (7) percent per annum from the date of the qualified prior part-time service time to be purchased, to the date the pension commission approves such member's application to acquire the same. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however, that no~~

~~contributions which are required to be made pursuant to this subparagraph shall be "picked-up" and paid by the City of Hartford pursuant to the provisions of section 3(y) of this chapter. Nothing in this subsection shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter. For purposes of this subparagraph, a member's "qualified prior part-time service time" shall mean such prior service time for which he or she served as a part-time employee following a period of maternity leave and neither is receiving a retirement benefit, nor has retained a vested benefit, from any other employer; a member shall be deemed to be "receiving a retirement benefit" if, prior to May 30, 2003, he or she has filed an application to be paid, or has been awarded, any benefits under this chapter.~~

~~(i)~~

~~*Optional form of retirement allowance.* Any member may, subject to such regulations as the pension commission may from time to time establish, elect to receive a reduced retirement allowance with the provision that such reduced retirement allowance, or such part thereof as may be specified by such person in his notice of election, shall be continued after his death to his spouse named in such election, for so long as his spouse lives. The reduced retirement allowance shall be in such an amount as the pension commission determines to be the actuarial equivalent of the retirement allowance that would have been payable had not the election been made. Unless the member files a written notice of his election of this option with the pension commission at least three (3) years before he becomes eligible for retirement he shall be required to pass a satisfactory physical examination at the time of making such election.~~

~~(j)~~

~~*Contributions by members.* Each member shall contribute to the fund two (2) percent of that portion of his pay on which social security taxes are paid and five (5) percent of the balance of his pay, to be deducted at each pay period and credited to his account in the fund. Any member leaving the employment of the city before becoming eligible for retirement may withdraw on request to the pension commission the total of all contributions to the fund made by him without interest, provided, if no request is made within ten (10) years, such contributions shall revert to the fund. In case of the death of a member before retirement, or after retirement without having made the election provided for in [this] subsection hereof, or in case of the death of the survivor of a member who has made such election and his spouse or domestic partner after he is eligible for retirement, his contributions to the fund without interest, less any retirement allowance paid to him, his spouse or domestic partner, shall be paid from the fund on the order of the pension commission to the beneficiary or beneficiaries, if any, named by such member. If no named beneficiaries survive the member, or the survivor of the member and his spouse or domestic partner, payment shall be made to the executors or administrators of such member or his spouse or domestic partner, as the case may be, except that, if the amount is less than one thousand dollars (\$1,000.00), the refund may be made, at the option of the pension commission, in accordance with the terms of Section 45-266 of the General Statutes or any amendment thereto. (Ord. No. 64-93, 11-22-93)~~

~~As of July 1, 1980, all nonbargaining unit employees and employees presently represented by Locals 566 and 1716, Council #4, AFSGME, AFL-CIO, and Local 818, Building and Ground Supervision, will have credited to their employee contributions to the pension fund three (3) percent interest on such contributions as of June 30, 1979. As of July 1, 1981, employees represented by Hartford Federation of Education Personnel, Local 3534, AFT, AFL-CIO will have credited to their employees contributions to the pension fund three (3) percent interest as such contributions as of June 30, 1980. Each July 1, thereafter, contributions and any interest credited as of the previous calendar year June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from city employment except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.~~

~~The employee contributions to the pension fund of employees represented by Local #2221 Hartford Federation of Paraprofessionals, CSFT, AFT, AFL-CIO will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions~~

~~as of June 30, 1987, or to the date of their employment, whichever is later. Each July 1 after July 1, 1987, contributions and interest shall be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.~~

~~The employee contributions to the pension fund of employees represented by Local 1018 A/B Hartford Federation of School Health Professionals will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions after August 31, 1988, or to the date of their employment, whichever is later. Each July 1 thereafter, contributions and interest credited as of the previous calendar year on June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.~~

~~The employee contributions to the pension fund of employees represented by Local 1018 of Hartford Federation of Corridor Supervisors will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions after June 30, 1988, or after the date of their employment, whichever is later. Each July 1 thereafter, contributions and interest credited as of the previous calendar year on June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.~~

~~The employee contributions to the pension fund of employees represented by Local 3534 of Hartford Federation of Technical Support Personnel will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions after July 1, 1988, or after the date of their employment, whichever is later. Each July 1 thereafter, contributions and interest credited as of the previous calendar year on June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.~~

~~As of July 1, 1988, all employees who are members of the Hartford Federation of School Secretaries shall contribute to the pension fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be lieu of any previous contributions required.~~

~~Contributions to the pension fund by employees represented by Local 1018-C, Hartford Federation of School Secretaries, HFT, CSFT, AFT, AFL-CIO will be credited with three (3) percent interest. Said interest will be credited to contributions as of June 30, 1988, or the employee's date of employment, which[ever] is later. Each July 1, after July 1, 1988, contributions and interest shall be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment except that no such payment will be made to an employee granted a pension in accordance with Chapter XVII, Section 3.~~

~~As of July 1, 1991, all employees then represented by the Hartford Educational Support Personnel (HESP) or Hartford Schools Support Supervisors Association (HSSA), will have credited to their employee contributions to the pension fund three (3) percent interest on all contributions previously made by such employees and all interest previously earned thereon as of June 30, 1990. Each July 1, thereafter, contributions and any interest credited as of the previous calendar year June 30, will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from city~~

~~employment except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3. (Ord. No. 19-94, 6-13-94)~~

~~(k)~~

~~Contributions by city. The city shall pay annually into the fund such proportion of the pay of all members employed by the city as may be determined from time to time by the pension commission on sound actuarial principles to be necessary in addition to the contributions by members to provide future pensions based on service rendered by members. The pension commission shall make a complete actuarial study of the experience of the retirement system established by this section at intervals of no more than five (5) years and shall thereupon readjust the contributions to be made by the city.~~

~~(l)~~

~~Assignments prohibited. Any assignment by a member, beneficiary or spouse of any allowance or benefit payable under the terms of this section shall be void. Each such allowance and benefit shall be for the support of the member, beneficiary or spouse entitled thereto and shall be exempt from the claims of creditors of such member, beneficiary or spouse, provided, if the provisions of this section are contrary to the laws governing a particular set of circumstances, as to that set of circumstances, any allowance or benefit payable hereunder shall be exempt to the maximum extent permitted by law.~~

~~(m)~~

~~Coordination with federal social security coverage. In the case of any employee who was a member of the fund prior to the effective date of this act, and who is included in social security coverage thereby, if the pension commission should find that the sum of a normal retirement allowance or a disability retirement allowance plus the security benefit which such member is entitled to receive resulting from city service should be less than the allowance he would receive under the terms of the municipal employees' retirement fund in existence prior to the effective date of this act, then the commission shall increase his allowance accordingly for the period during which the lower total benefits would otherwise apply.~~

~~(n)~~

~~Effect of repeal. In case of the repeal of this section, the liability of the city to members of the municipal employees' retirement fund shall be limited to the amount of their respective contributions thereto, provided all retirement allowances vested by retirement shall be paid in full in accordance with the provisions of this section.~~

~~(o)~~

~~Hartford Public Library employees. Any full-time salaried employee or part-time professional employee entering the employ of the Hartford Public Library on or after January 1, 1959, shall be a member of Part B of the municipal employees' retirement fund, shall be entitled to all the benefits thereof, and shall make contributions thereto, all in the same manner as if he were an employee of the City of Hartford. Any full-time salaried employee or part-time professional employee who is in the employ of the Hartford Public Library on December 31, 1958, may elect to become a member of the municipal employees' retirement fund as of January 1, 1959, by filing a written request therefor with the pension commission not later than January 15, 1959; after filing such request, said employee shall be entitled to all the benefits thereof, based on service rendered on and after January 1, 1959, and shall make contributions thereto from the same date, all in the same manner as if he were an employee of the City of Hartford. In addition, any such employees who have credit for service rendered to the Hartford Public Library for any period prior to January 1, 1959, under the pension plan maintained by the library with the Connecticut General Life Insurance Company shall be given credit in the municipal employees' retirement fund for the same period of service, but any benefits paid to such employee from the municipal employees' retirement fund shall be reduced by the amount of any annuity payable under the terms of the Connecticut General plan. Library employees who make this election shall become members of Part B of the municipal employees' retirement fund if they have previously expressed a desire for social security coverage; otherwise they shall be members of Part A of the municipal employees' retirement fund. Any library employee eligible to elect to become a member of the municipal employees' retirement fund, who fails to make~~

~~such election before January 16, 1959, shall be deemed to have waived his rights to membership therein and benefits therefrom; failure to file such election on time shall not, however, invalidate his rights if it shall be shown to the satisfaction of the pension commission that it was not reasonably possible for him to file such an election on time, and that he did file such an election as soon as it was reasonably possible to do so.~~

~~(p)~~

~~Vesting.~~

~~(1)~~

~~Vesting provisions generally applicable to employees whose last day of work is on or before December 31, 2001. All pension benefits under the provisions of the municipal employees' retirement fund shall vest in each employee, except policemen and firemen, upon completion of ten (10) years' service regardless of age, provided said employee leaves his contributions in the pension fund and further provided that any retirement benefits shall be payable in accordance with [sub]sections (b) or (d) hereinbefore at the election of the employee, except that any survivor benefits hereinafter provided shall attach to the vesting privilege but shall be payable only at such time as the member becomes eligible, or would have become eligible in the case of a deceased member, under the provisions of [sub]sections (b) or (d).~~

~~(2)~~

~~Vesting provisions generally applicable to members who are sworn police officers or firefighters. The vesting provisions applicable to all sworn police officers and firefighters (other than those senior officers who can and do elect to receive nonbargaining pension benefits) are set forth in sections 3(bi) and (cc) of this chapter, respectively.~~

~~(3)~~

~~Vesting provisions generally applicable to members employed on or after January 1, 2002. The provisions of this subparagraph (3) shall to each member who is or was actively employed as a contributing member of the MERF on or after January 1, 2002 to the extent he or she is either a nonbargaining unit employee (excluding, however, any nonbargaining unit police officers or firefighters who have not elected to receive nonbargaining pension benefits) or a member of a collective bargaining unit whose collective bargaining unit has been amended to incorporate the provisions of this subparagraph. For purposes of this subparagraph only, each such member is hereinafter referred to in this subparagraph as a "qualifying member"; additionally, reference in this subparagraph to any "regular retirement" allowance or benefit means any normal or early retirement allowance payable to any member who qualifies to receive the same under and in accordance with sections 3(b) or 3(d) of this chapter and/or any like provisions of any collective bargaining agreement that apply to said member (hereinafter, the member's "regular retirement provisions"), as opposed to any benefit or allowance payable for or as a disability benefit or allowance.~~

~~(i)~~

~~Notwithstanding any provision of this chapter or any collective bargaining agreement to the contrary, effective January 1, 2002, each qualifying member's rights to and/or interests in any regular retirement allowance shall vest upon completion of five (5) years' actual and continuous city service, regardless of age. Any survivor benefits hereinafter provided with respect to any regular retirement allowance shall attach to the vesting privilege, but shall be payable only at such time as the member becomes eligible, or, in the case of a deceased member, would have become eligible, under the member's regular retirement provisions.~~

~~(ii)~~

~~Any member's and his or her qualified surviving spouse's rights to and/or interests in receiving any regular retirement or survivor's allowance from the fund shall be subject to and remain contingent upon the member's and, as applicable, his or her qualified surviving spouse's, leaving the member's contributions in the fund and such member's, and/or his or her qualified surviving spouse's, otherwise satisfying all of the eligibility requirements for receiving any normal or early retirement allowance under the member's regular retirement provisions (and/or, as applicable, any provisions governing the payment of survivor's benefits from the fund (hereinafter, the "survivorship provisions")), as amended by this subparagraph (3). Likewise, any regular retirement or survivor's~~

~~benefits that are or may become payable to any such member and/or his or her qualified surviving spouse, if any, shall be paid under and in accordance with the member's regular retirement and/or survivorship provisions, as applicable, as amended by this subparagraph (3).~~

~~(iii)~~

~~Notwithstanding any provision of this chapter to the contrary, effective January 1, 2002, any qualifying member who otherwise would be eligible to receive any normal or early retirement allowance at any specified age upon completion of ten (10) years of service shall be entitled to retire and commence receiving such allowance at that same age, but with only five (5) years of actual and continuous city service.~~

~~(iv)~~

~~None of the provisions of this subparagraph (3) amend or shall be deemed to otherwise affect the provisions of paragraphs (e), (f), (n), (t) and (w) of this section or any like provision set forth in or made a part of any collective bargaining agreement.~~

~~(4)~~

~~**Additional opportunity for unclassified nonbargaining unit city employees to join the MERF between June 1, 2003 and September 2, 2003.** Notwithstanding any provision of this chapter to the contrary, any nonbargaining unit city employee who is actively employed as a contributing member of the MERF between June 1, 2003 and September 2, 2003, both dates inclusive, and who is (or, for purposes of this chapter, is required to be treated as) a member of the unclassified service, but previously has elected not to be a member of the municipal employees' retirement fund, shall have the right to elect to become a member of the fund in accordance and subject to the provisions of this subparagraph (4). Any such employee who desires to make such an election shall give written notice to the city treasurer of said election by September 2, 2003 and shall thereafter be entitled to receive those benefits applicable to, and obligated to make those contributions required of, nonbargaining unit city employees under and pursuant to the terms of this chapter as apply to such employees for and during the period of his or her service thereafter, providing, however, that no such employee shall be entitled to have any of his or her contributions "picked-up" and paid by the City of Hartford as otherwise would be provided pursuant to the provisions of section 3(y) of this chapter. Any election which is made to become a member of the fund pursuant to this subparagraph shall be irrevocable. Any such employee who elects to become a member of the fund pursuant to this subparagraph shall make a contribution to the fund for each year, or part thereof, of his or her qualified prior unclassified service time and, upon making such contribution, shall be entitled to have his or her qualified prior unclassified service time included in the calculation in his or her length of service for purposes of determining both his or her eligibility to receive any retirement or disability allowance under this chapter, as well as the amount of the same, subject to and in accordance with the terms of this chapter, including this subparagraph (4). Such contribution shall equal the sum of (A) the product of his or her salary during each whole or partial year of the employee's qualified prior unclassified service time times the contribution rate in effect for nonbargaining unit employees such as the member for each such year or part thereof, and (B) interest on the amounts derived pursuant to the foregoing calculated at the rate of seven (7) percent per annum, compounded annually, from the last day of each fiscal year, or part thereof, of the employee's qualified prior unclassified service time to be purchased, to the date the pension commission approves such employee's application to acquire the same. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however that no contributions which are required to be made pursuant to this paragraph shall be "picked-up" and paid by the City of Hartford pursuant to the provisions of section 3(y) of this chapter. Nothing in this subparagraph shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter. For purposes of this paragraph, an employees "qualified prior unclassified service time" shall mean such period of prior unclassified service (or service that, for purposes of this chapter, is required to be treated as unclassified service) as a nonbargaining unit city employee for which such employee has not made any contributions to the MERF and is neither receiving a retirement benefit, nor has retained a~~

~~vested benefit, from any other employer; a member shall be deemed to be "receiving a retirement benefit" with respect to any period of service if, prior to September 2, 2003, he or she has filed an application to be paid, or has been awarded, any benefit from any retirement plan or fund with respect to services provided during said period.~~

~~(q)~~

~~*Survivor's allowance.* In lieu of the provisions of section (i), the surviving widow or widower of any member of the municipal employees' retirement fund who shall retire or who shall be eligible for retirement, or whose pension benefits shall have become vested under section (p), after July 1, 1968, except policemen and firemen shall, upon the death of said member, but not prior to the date on which said member would have been eligible to retire under sections (b) or (d), receive a monthly allowance from the municipal employees' retirement fund equal to one-half (1/2) the monthly allowance being received by said member, or which said employee would have been entitled to receive if retired, at the time of his or her death until said widow or widower dies or remarries. The terms "widow" and "widower" as used in this section shall be limited in their meanings to the surviving spouse of such member who shall have been married to him or her prior to his or her retirement which shall be deemed to mean the date of his termination of active employment.~~

~~In addition to the contributions provided in section (j) hereinbefore, each member of the municipal employees' retirement fund eligible for the survivor's benefits hereinbefore provided, including nonbargaining employees of the board of education, shall contribute to the fund one (1) percent of his total pay in the same manner as provided in said section (j), except that all other employees of the board of education who are members of the municipal employees' retirement fund shall contribute to the fund one (1) percent of his pay on which social security taxes are not deducted only.~~

~~(r)~~

~~*Transfers from the municipal employees' retirement fund.* Any member leaving the employment of the City of Hartford or other covered employment may transfer, if he is eligible for such transfer to the employees' retirement system of the federal government of the United States, or the retirement system of a state or any political subdivision thereof within the United States, which is being operated on an actuarial basis with contributions made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account. Such transfer may not become effective, however, unless an appropriate agreement of reciprocity is executed. Upon approval of the pension commission, the actuarial reserve for the member's vested annuity benefit, as determined by the commission shall be transferred to the retirement system under which the employee will be covered in his new position.~~

~~(s)~~

~~*Transfers to the municipal employees' retirement fund.* Any person who has not attained his sixtieth birthday and who is a member of the employees' retirement system of the federal government of the United States or the retirement system of a state or any political subdivision thereof within the United States which is being operated on an actuarial basis with contributions being made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account may, upon approval of the pension commission, transfer his membership to the municipal employees' retirement fund upon accepting employment with the City of Hartford; provided, however, such transfer may not become effective unless an appropriate agreement of reciprocity is executed. In order to transfer credit for such prior service, the member shall pay or cause to be paid into the municipal employees' retirement fund the amount of money required, as determined by the pension commission to purchase in full such credited service. In no event shall there be any city contributions made toward the purchase of such service. Whenever such employee enters the municipal employees' retirement fund, he must elect within thirty (30) days of entrance into said fund or of the date of adoption of this section, whichever is later, to purchase credit for such prior service. If the pension commission approves the payment of money due on an extended payment basis, interest at a rate to be determined by the pension commission, but not exceeding six and one-half (6½) percent per annum, may be charged. No credit~~

~~under the municipal employees' retirement fund shall be granted, however, for any period of prior service for which the employee is either receiving a retirement benefit or has retained a vested benefit.~~

~~(t)~~

~~Limitation on credited service. Notwithstanding any other provision of this section or of this article, any credited service earned, given or purchased by a member may not be used for qualifying that member for retirement benefits before normal retirement age and at least five (5) years of actual city service.~~

~~(u)~~

~~[Transferees from other departments.] Any employees who transfer to the uniformed fire service from other city departments shall receive coverage under the provisions of the municipal employees' retirement fund as such provisions relate to other firemen, provided that employees so transferred shall be eligible for normal retirement benefits under their new coverage upon completion of twenty-five (25) years of service with the city, and provided further that such employees must complete at least fifteen (15) years in the fire department and, at the time of transfer, must pay into the municipal employees' retirement fund a sum of money equal to the difference between what the employee has paid into the municipal employees' retirement fund and what he would have paid had his entire municipal service been with the fire department, together with interest thereon as determined by the pension commission.~~

~~(v)~~

~~Length of service to include prior qualified noncity service.~~

~~(i)~~

~~For purposes of this subsection, the following terms shall have the meanings ascribed thereto below:~~

~~(1)~~

~~"Qualified Noncity Service" shall mean that period of any service provided to a Qualified Noncity Organization as a full time employee (which, in the case of government service, shall also include any service as an elected or appointed official)(A) for which said member is neither receiving a retirement benefit nor has retained a vested benefit, (B) during which he or she did not hold any office or position with the City of Hartford or any other Qualified Noncity Organization for which such member seeks to be or has been given credit hereunder, and (C) for which said member, if his or her Section 3(v) Employment Date is on or after October 1, 1998, neither is, has been, nor will become, eligible to receive any credit pursuant to subsection (s) above, and;~~

~~(2)~~

~~A "Qualified Noncity Organization" shall mean the State of Connecticut or any political subdivision thereof and the Hartford Housing Authority;~~

~~(3)~~

~~A member's "Section 3(v) Employment Date" shall be that date on which he or she was first employed by the City after accruing the Qualified Noncity Service for which he or she seeks to be given credit pursuant to this subsection;~~

~~(4)~~

~~A member's "Section 3(v) Earnings" shall equal the greater of (A) the actual earnings received by such member from the Qualified Noncity Organization from whom, and during the time, he or she provided the service for which he or she seeks to be provided credit hereunder, or (B) such member's Effective Noncity Earnings during such period; and~~

~~(5)~~

~~A member's "Effective Noncity Earnings" shall equal such member's actual earnings as a City employee during the first year following his or her Section 3(v) Employment Date (hereinafter, his or her "Post Noncity Earnings"), except when, and then only if, such member is a Returning Member, in which case, such member's Effective Noncity Earnings shall equal the lesser of (A) his or her Post Noncity Earnings, or (B) the average of (i) such member's Post Noncity Earnings, and (ii) his or her earnings during the last year in which he or she served as a City employee before accruing the Qualified Noncity Service at issue;~~

~~(6)~~

~~A "Returning Member" shall mean any member who, pursuant to other provisions of this Chapter, has or is to be given credit for at least one (1) year of Prior City Service in the computation of his or her retirement allowance;~~

~~(7)~~

~~A member shall be deemed to have "Prior City Service" if he or she was a member of the MERF prior to providing the service to the Qualified Noncity Organization for which he or she may be given credit hereunder;~~

~~(8)~~

~~A "Qualifying Member" shall mean any member who is not a member of a bargaining unit and is entitled to receive Nonbargaining Pension Benefits as defined in subsection (b) above.~~

~~(ii)~~

~~Any Qualifying Member whose effective date of retirement occurs on or after October 1, 1998, shall have the option to be credited with up to four (4) years of any of his or her Qualified Noncity Service in the calculation in his or her length of service for purposes of determining his or her retirement allowance subject to and in accordance with the terms of this subsection. Any member who wishes to exercise this option must provide written notice of his or her desire to do the same by December 31, 1999 or one (1) year of his or her employment as a nonbargaining unit city employee, whichever is later, and shall thereafter pay the municipal employee's retirement fund an amount equal to the contributions required pursuant to this subsection (hereinafter, his or her "Section 3(v) Contribution") in the manner and on the terms specified by the pension commission. The period of such service for which the member receives credit hereunder shall not be used to establish eligibility for any retirement benefits unless such member already has obtained a vested interest in such benefits. Once a member has obtained a vested interest in his or her retirement benefits, the period of such member's Qualified Noncity Service for which he or she is to be given credit hereunder shall be counted for the purpose of both determining such member's eligibility to receive, and computing the amount of, his or her normal retirement allowance.~~

~~(iii)~~

~~Any member who elects to exercise the option to purchase additional pension credit pursuant to this subsection shall make a contribution to the fund therefor equal to the sum of (1) the product of his or her Section 3(v) Earnings times the contribution rate which was in effect for such member as of his or her Section 3(v) Employment Date, and (2) interest on the amount derived pursuant to the foregoing calculation at the rate of seven (7) percent per annum from said Section 3(v) Employment Date to the date the pension commission approves such member's application to purchase any credits hereunder. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however, that no contributions which are required to be made pursuant to this subparagraph shall be "picked up" and paid by the City of Hartford pursuant to the provisions of section 3(y) of this Chapter.~~

~~(iv)~~

~~Nothing in this subsection shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this Chapter. In the event that any member's retirement allowance would exceed any such limit if he or she were given credit for any Qualified Noncity Service time purchased thereby, the fund shall refund such member the amount of his or her contributions applicable thereto with interest at the rate of three (3) percent per annum from the date such contributions were fully paid to the date they are refunded by the pension commission.~~

~~(w)~~

~~*Credit for armed forces personnel.* Any member who is not employed by the board of education and not represented by a bargaining unit, who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, shall be credited with the length of such service including periods before or after said times to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4)~~

~~years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before January 1, 1985, by members employed on or before January 1, 1984, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.~~

~~Any member who is a member of the bargaining unit represented by Hartford Federation of School Secretaries, Local 1018-C, HFSS-HFT AFT, AFL-CIO, who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before January 1, 1987, by members employed on or before January 1, 1986, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.~~

~~Any member who is a member of the bargaining unit represented by Hartford Federation of School Health Professionals, Local 1018 A/B who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before September 1, 1989, by members employed on or before September 1, 1988, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.~~

~~Any member who is a member of the bargaining unit represented by Hartford Federation of Corridor Supervisors, Local 1018, Hartford Federation of School Health Professionals, Local 1018 A/B, Hartford Federation of School Secretaries, Local 1018-C, Hartford Federation of Technical Support Personnel, Local 3534, or Local 818, Building and Grounds Supervisors and any non-bargaining unit employees of the board of education, who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such services, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before one (1) year after the date of adoption of this paragraph by members employed on or before such date of adoption, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement~~

~~allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.~~

~~Any nonbargaining unit employee of the Hartford Board of Education who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before one (1) year after the date of adoption of this paragraph by members employed on or before such date of adoption, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.~~

~~Any member who is a member of the bargaining unit represented by Local 3534 of Hartford Federation of Technical Support Personnel, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such services, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before one (1) year after the date of adoption of this paragraph by members employed on or before such date of adoption, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.~~

~~Any member who is a member of the Hartford Education Support Personnel bargaining unit or the Hartford School Support Supervisors Association, who, prior to this or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees retirement fund with interest at the rate of seven (7) percent per annum payable on or before June 30, 1995, by members employed on or before July 1, 1994, and within one (1) year of the commencement of such employee's employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have then completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment. (Ord. No. 20-94, 6-13-94)~~

~~Notwithstanding any provisions of this chapter to the contrary, any nonbargaining unit employee and any bargaining unit employee whose collective bargaining agreement is amended to incorporate the provisions of this paragraph who, prior to his or her most recent date of employment with the City of Hartford, served in any branch of the armed forces of the United States during any of the periods set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she neither is receiving nor eligible to receive a pension and who, as of the effective date of this ordinance, (i)~~

~~is both a member of the fund and an active employee; (ii) is not then receiving, and is not then eligible to receive, any of the benefits provided under this chapter; and (iii) has not theretofore purchased pension service credit for such service from the fund, may purchase such credit for all or any portion of such service, subject to and in accordance with the terms of this paragraph. Any employee eligible to purchase pension service credit pursuant to this paragraph who desires to exercise this option must (1) notify the city treasurer in writing on or before the ninetieth (90th) day following the effective date of this ordinance of his or her election so to do, and (2) thereafter make such contributions to the fund as are required hereby. Such contributions shall be made on or before the expiration of thirty (30) days following the date the employee is advised in writing as to the amount of any contribution that will be required to be made by him or her hereunder at the same rate as said employee was charged when he or she most recently became a member of the fund with interest at the rate of seven percent (7%) per annum between the date of such employment and the thirtieth (30th) day following the date the aforementioned advice is provided to such employee. The period of such service for which the member purchases credit shall not be used to satisfy any of the eligibility requirements for any allowance under this chapter, but shall, to the extent that it constitutes qualified service, be counted for the purpose of computing the amount of his or her retirement allowance for which he or she otherwise is eligible, provided such member either shall have completed at least ten (10) years of continuous service, or fifteen (15) years of active aggregate service, with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment. Any pension service credit which is purchased pursuant to this paragraph (hereinafter, "purchased service") shall constitute "qualified service" if, and only if, each of the foregoing conditions are satisfied with respect thereto: (A) the length of such purchased service, when combined with other military service for which such employee may previously have purchased credit, does not exceed four (4) years in total; and (B) in the event any portion of an employee's such purchased service is for other than an entire year of service, such employee has additional partial years of service credit which, when combined with other service for which such employee is entitled to be given pension service credit, results in such employee's having another whole year of service. No employee who purchases any pension service credit pursuant to this paragraph shall be entitled to receive an allowance in excess of the lesser of (a) the maximum percentage of final average pay the employee is permitted to receive as a retirement benefit pursuant to the provisions of this chapter or an applicable collective bargaining unit agreement; or (b) the IRC Maximum Benefit. The amount of any contributions which are made pursuant to this paragraph to purchase any pension service credit that ultimately is unable to be included in the computation of member's retirement allowance shall be refunded to the member or his beneficiaries with interest at the rate of three percent (3%) per annum from the date such contributions were fully paid by such member until the date they are so refunded. For purposes of this paragraph, the effective date of this ordinance shall be the date of its adoption, except in the case of a bargaining unit employee, in which event that date shall be the date on which his or her collective bargaining agreement is amended to incorporate the provisions of this paragraph.~~

~~(x)~~

~~Notwithstanding any other provisions of this section to the contrary, whenever any contributions to the fund by any member are required to be made based upon a percentage of the employee's earnings on which social security taxes are paid (hereinafter "social security wages"), or any member's pension benefits are based upon such member's social security wages, and in either event, such member is or was a participant in any plan offered by the City of Hartford under Section 125 of the Internal Revenue Code or any like provisions of the code whereby the employee's earnings on which social security taxes are paid, are or were reduced by such employee's contributions under such plan (hereinafter, a "pre-tax benefit plan"), such contributions shall be made and such benefits shall be provided in the same amounts and in the same manner as if such member was not a participant in such pre-tax benefit plan; it being the intent hereof that any member's participation in a pre-tax benefit plan shall not have any effect on the timing and amounts of such member's contributions to or benefits from the fund. Without limiting the generality of the foregoing, any member who participates in a pre-tax benefit plan whose contributions to the fund~~

~~are calculated based upon such member's social security wages shall contribute to the fund in those amounts and in that manner such that (i) such member's social security wages shall be deemed to include any amounts not subject to taxation by reason of such member's participation in such pre-tax benefit plan, and (ii) any increased contributions which otherwise are required to be made by such member in any given year on the balance of such member's earnings on which social security taxes are not paid (hereinafter, "excess wages"), shall commence only when such member has earned that amount when, but for such member's participation in a pre-tax benefit plan, such member otherwise would be required to begin making such increased contributions, but thereafter shall be made in respect of the total of such member's social security wages and his or her excess wages. Additionally, if any member's pension benefits are based upon such member's final average pay and/or social security wages, such pay and wages shall include any amounts not subject to taxation by reason of such member's participation in a pre-tax benefit plan.~~

~~(y)~~

~~The City of Hartford pickup of mandatory retirement contributions to the municipal employee's retirement fund:~~

~~(1)~~

~~The City of Hartford hereby establishes a 414(h)(2) pickup plan under Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, (the "Code") subject to and in accordance with the terms set forth in this subsection. The purpose of this plan is to enable certain employees' mandatory contributions to the municipal employees' retirement fund to be made in such a manner that the value of such contributions are neither subject to the payment of federal income taxes until such contributions are distributed to such employees, nor withholding of such taxes when such contributions are made, all as and to the extent permitted by the Code.~~

~~(2)~~

~~Notwithstanding any other provisions of the Charter to the contrary, the City of Hartford shall pick up and pay all contributions which are required to be made to the municipal employees' retirement fund by nonbargaining unit employees, and all contributions which are required to be made to such fund by bargaining unit employees, if the collective bargaining agreement therefor provides for the implementation of a Section 414(h)(2) Plan, (together the "414(h)(2) Plan Participants") in respect of earnings earned by such employees on or after January 10, 1993, or such later date as specified in any collective bargaining agreement. Nothing herein shall relieve any employee from any obligation to make any contributions to the fund, it being the intent and effect hereof instead, that the City of Hartford shall, as of the date specified above, simply pay each 414(h)(2) Plan Participant's contributions to the fund in lieu of such employee paying such contributions.~~

~~(3)~~

~~In consideration of the City of Hartford's picking up such contributions, all employees whose pension contributions are picked up by the City of Hartford shall have their earnings reduced by an amount equal to the contributions so picked up by the City of Hartford. Additionally, 414(h)(2) Plan Participants shall not have the option of electing to receive their pension contributions directly rather than having such amounts paid by the City of Hartford to the fund. Other than for federal income tax and withholding purposes, however, all employee pension contributions so picked up by the City of Hartford on behalf of any employee shall be considered to be included in such employee's annual gross salary and shall for all purposes of this Charter and the fund be deemed to be included in such employee's earnings and otherwise be treated in the same manner and to the same extent as employee pension contributions made prior to January 10, 1993.~~

~~(4)~~

~~Notwithstanding anything set forth in subsection (a) of this section or any other provision of this Charter to the contrary: (1) on or after January 10, 1993, each and every nonbargaining unit employee of the city who is a member of the unclassified service also shall be a member of the municipal employees' retirement fund, unless (i) he or she elects (or already has elected) not to be a member of such fund prior to said date, or (ii) if he or she becomes a member of the unclassified service after January 10, 1993, he or she elects not to be a member of such fund within thirty (30) days of becoming a member of such service; and (2) any election not to be a member of the~~

~~municipal employees' retirement fund which is made by, or is effective with respect to, any nonbargaining unit employee who is a member of the unclassified service on or after January 10, 1993 shall be irrevocable, unless (and then, only to the extent) he or she becomes a classified employee, in which case, he or she shall thereby become a member of such fund.~~

~~(5)~~

~~Notwithstanding anything set forth in subsection (a) of this section or any other provision of this Charter to the contrary, all members of any collective bargaining unit (whether classified or unclassified) whose collective bargaining agreement provides for the implementation of a 414(h)(2) Plan, and who otherwise are eligible to participate in the municipal employees' retirement fund, shall be members of such fund.~~

~~(6)~~

~~Notwithstanding anything set forth in subsection (w) of this section or any other provision of this Charter to the contrary, any member of the fund who makes contributions pursuant to the provisions of subsection (w) shall not have such amounts picked up by the City of Hartford pursuant to the provisions of this subsection.~~

~~(z)~~

~~Early retirement incentive provisions.~~

~~(1)~~

~~Any nonbargaining unit employee of the city or the Hartford Public Library, with at least twenty-five (25) years of service, who retires from city service and whose last day of work is between May 1, 1992 and September 30, 1992, both dates inclusive, shall be entitled to a normal retirement allowance without reduction because of age. Such an employee may continue on pay status to utilize accrued vacation as well as to obtain longevity pay and any pay increases that may affect the computation of his retirement benefit without affecting his or her eligibility to receive a normal retirement allowance as provided in this paragraph. In those instances where a September 30, 1992 retirement would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond September 30, 1992, and still receive their normal retirement allowance as set forth herein, providing their last day of work for the city occurs on or before December 31, 1992.~~

~~(2)~~

~~Any nonbargaining unit employee of the city or the Hartford Public Library, who is fifty-five (55) years of age with at least (10) years of service but less than twenty-five (25) years of service who retires from city service and whose last day of work is between May 1, 1992 and September 30, 1992, both dates inclusive, shall be entitled to a normal retirement allowance without reduction because of age. Such an employee may continue on pay status to utilize accrued vacation as well as to obtain longevity pay and any pay increases that may affect the computation of his retirement benefit without affecting his or her eligibility or receive a normal retirement allowance as provided in this paragraph. In those instances where a September 30, 1992 retirement would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond September 30, 1992 and still receive their normal retirement allowance as set forth herein, provided their last day of work for the city occurs on or before December 31, 1992.~~

~~(3)~~

~~Any nonbargaining unit city employee, any nonbargaining unit employee of the Hartford Public Library, any nonbargaining unit sworn police officer or firefighter, and any member of a collective bargaining unit which has agreed to the provisions of this subsection (z)(3) (hereinafter in this subsection "an employee") who either is, or, by operation of subparagraph (a) below, becomes, eligible to take an early or normal retirement between June 15, 1993 and July 31, 1993, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between, June 15, 1993 and July 31, 1993, both dates inclusive, shall be entitled to the following adjustments in both his or her eligibility to qualify for a pension and the calculation of his or her pension benefits if he or she so desires:~~

~~(a)~~

~~Subject to the provisions of subparagraphs (b), (h), (i) and (j) hereof, said employee's eligibility to receive a normal or early retirement as well as the amount of said employee's pension benefit shall be determined as if said employee were five (5) years older and had five (5) more years of city service than actually is the case, providing, however, that if any such employee has at least twenty-five (25) years of service by operation of this subparagraph (a), said employee shall also receive a normal retirement benefit without reduction because of age;~~

~~(b)~~

~~Subject to the provisions of subparagraphs (d), (h), (i) and (j) hereof, the maximum pension benefit which said employee shall be entitled to receive shall be the lesser of (i) eighty (80) percent of his or her final average pay, or (ii) one hundred (100) percent of the product of fifty-two (52) times his or her final regular weekly salary;~~

~~(c)~~

~~Subject to the provisions of subparagraphs (h), (i) and (j) hereof, said employee's final average pay shall be computed by adding any amounts payable to such employee upon his or her retirement on account of unused sick time to such other amounts that would normally be included in the calculation of such employee's final average pay (exclusive of such amounts which otherwise would be normally included in such calculation on account of accrued sick time, if any), with the amounts payable for unused sick time included in such calculation as if such amounts were earned and paid on and as of his or her last day of work;~~

~~(d)~~

~~Subject to the provisions of subparagraphs (h), (i) and (j) hereof, and commencing with the pension payment due in January 1995, and then in each of January 1996, 1997, 1998 and 1999, any pension benefit otherwise payable to said employee or his or her survivors hereunder shall be increased by a factor of three (3) percent per annum over the amount of said benefit which was or would have been payable hereunder immediately prior to making such adjustment;~~

~~(e)~~

~~Any employee so eligible for the benefit stated in this subsection (z)(3) may continue on pay status after his or her last day of work to utilize accrued vacation time without affecting his or her eligibility to qualify for the benefit provided by this subsection (z)(3);~~

~~(f)~~

~~In those instances where an employee's retirement prior to July 31, 1993 would cause an undue hardship to city operations, the city manager may grant a deferment to such employee which enables such employee to continue to work beyond July 31, 1993 and still be eligible to qualify for the benefits provided under this subsection (z)(3), provided however, that (subject to subparagraph (e) above) any such employee's last day of work occurs on or before December 31, 1993, and providing, further, that the provisions of section 3(a)(ii) of this Chapter in effect as of July 31, 1993 shall continue to control; and~~

~~(g)~~

~~Any employee who chooses to take advantage of the benefits provided under this subsection (z)(3) shall be subject to (i) all of the terms and conditions respecting the same as set forth in this subsection (z)(3), as well as (ii) the provisions set forth in the remainder of this Chapter and any collective bargaining agreements, as applicable, except to the extent any such provisions conflict with this subsection (z)(3).~~

~~(h)~~

~~Notwithstanding anything contained in this Chapter to the contrary, (including, but not limited to subparagraphs (a) through (g) above), no employee shall be entitled to receive a pension benefit in excess of the IRC Maximum Benefit applicable to such employee as of the date such employee first commences receiving benefits under this Chapter (the employee's "Benefit Determination Date") except as provided in subparagraphs (i) and (j) below. The term "IRC Maximum Benefit" shall have the same meaning ascribed thereto in subsection 3(b) of this Chapter.~~

~~(i)~~

~~The IRC Maximum Benefit applicable to any employee shall be increased in the years following his or her Benefit Determination Date to reflect (i) any post-retirement increases which are made to the~~

~~applicable limitations of Section 415 of the Internal Revenue Code of 1986 as amended from time to time ("Section 415") in such years, and (ii) any applicable adjustments or other changes which may be made to any applicable limitations imposed by Section 415 by virtue of any changes which are made to the provisions of Section 415 or the regulations promulgated thereunder.~~

~~(j)~~

~~Effective January 1, 1995, any employee who has elected to receive the benefits provided under this subsection (z)(3) who, but for the operation of subparagraphs (h) and (i) above, would be entitled, in any year, to receive a benefit from the Municipal Employees Retirement Fund which is different than that actually payable to such employee thereby by reason of said subparagraphs (h) and (i), shall be entitled to receive the difference between the actual benefit such employee otherwise would have been entitled to receive but for the limitations imposed by subparagraphs (h) and (i) above and the benefit such employee actually is entitled to receive by virtue of the operation of said subparagraphs. Notwithstanding any provisions of this Charter to the contrary (including, without limitation, this subsection (z)(3)), any amounts paid or payable to any employee by reason of this subparagraph (j) shall not be paid or payable from the Municipal Employees Retirement Fund, but, rather, only shall be paid and payable from, and subject to all of the terms and conditions governing, the Section 415(m) Fund and the provision of benefits therefrom pursuant to subsection 3(bb) of this Chapter.~~

~~(4)~~

~~Any nonbargaining unit employee of the Board of Education, and any non-certified employee of the Board of Education who is a member of a collective bargaining unit which has agreed to the provisions of this subsection (z)(4), (hereinafter, in this subsection, "an employee"), who (i) either is, or by operation of subparagraph (a) below, becomes, eligible to take an early or normal retirement between November 10, 1994 and December 30, 1994, both dates inclusive, and (ii) who takes an early or normal retirement with a last day of work between November 10, 1994 and December 30, 1994, both dates inclusive, shall be entitled to the following adjustments in both his or her eligibility to qualify for a pension and the calculation of his or her pension benefits if he or she so desires, subject, in each instance, to the provisions of subparagraph (b) below:~~

~~(a)~~

~~Said employee's eligibility to receive a normal or early retirement as well as the amount of said employee's pension benefit shall be determined as if said employee were five (5) years older and had five (5) more years of city service than actually is the case;~~

~~(b)~~

~~The maximum pension benefit which said employee shall be entitled to receive shall be the lesser of (i) seventy (70) percent of his or her final average pay, (ii) one hundred (100) percent of the product of fifty-two (52) times his or her final regular weekly salary, or (iii) the maximum amount which is permitted by law without jeopardizing the tax favored status of the fund or interests therein;~~

~~(c)~~

~~The normal retirement allowance for each such employee shall amount to 2.5 percent of his or her final average pay for each whole year of service for his or her first twenty (20) years of continuous service, and two (2) percent of such employee's final average pay for each whole year of service thereafter, up to a maximum of seventy (70) percent of his or her final average pay;~~

~~(d)~~

~~Final average pay for each such employee will be computed on the basis of said employee's highest three (3) out of the last five (5) years of his or her gross earnings;~~

~~(e)~~

~~Any such employee who, after making the adjustments required by subparagraph (a) above, is age fifty-five (55) with at least fifteen (15) years of service but less than twenty-five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60), which reduced pension shall remain in effect for the duration of the pension;~~

~~(f)~~

~~Any employee who, without regard to subparagraph (a) above, has completed twenty-five (25) years of service as of his or her last day of work, shall be eligible for a normal retirement with no age requirement and shall be entitled to the adjustments provided for in subparagraph (a) above, in both his or her eligibility to qualify for a pension and the calculation of his or her pension benefits if he or she so desires, subject in each instance to the provisions of subparagraph (b), above;~~

~~(g)~~

~~Any employee so eligible for the benefit stated in this section must utilize accrued vacation time prior to his or her last day of work, such date being between November 10, 1994 and December 30, 1994, or be paid for such accrued vacation time upon retirement. Such accrued vacation time may not be utilized in order to continue said employee on pay status after his or her last day of work.~~

~~(h)~~

~~In those instances where an eligible employee's retirement prior to December 31, 1994 would cause an extreme hardship to Board of Education operations, the Superintendent of schools may grant a deferment to such employee which enables such employee to continue to work beyond December 31, 1994 and still be eligible to qualify for the benefits provided under this subsection (z)(4), provided however, that any such employee's last day of work occurs on or before March 31, 1995; and~~

~~(i)~~

~~Any employee laid off effective July 1, 1994 and who would be eligible as of June 30, 1994 for early or normal retirement under the terms and conditions set forth in this ordinance [subsection] shall be deemed eligible to retire under said terms and conditions, with a retirement date of July 1, 1994.~~

~~(j)~~

~~Any employee who chooses to take advantage of the benefits provided under this subsection (z)(4) shall be subject to (i) all of the terms and conditions respecting the same as set forth in this subsection (z)(4), as well as (ii) the provisions set forth in the remainder of this Chapter and any collective bargaining agreements, as applicable, except to the extent any such provisions conflict with this subsection (z)(4).~~

~~(5)~~

~~*Retirement incentives for nonbargaining unit employees of the city and Hartford Public Library and members of the CWA whose last day of work is between April 15, 2003 and May 30, 2003.*~~

~~(A)~~

~~Any nonbargaining unit employee of the city, any nonbargaining unit employee of the Hartford Public Library, and any member of the Communication Workers of America, Local 1298 ("CWA"), provided that CWA has agreed to the provisions of this subsection (5) (hereinafter referred to in this subsection as an "Employee"), who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between April 15, 2003 and May 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between April 15, 2003 and May 30, 2003, both dates inclusive, and who, between 8:30 a.m. EST, March 10, 2003 and 4:30 p.m. EST, April 15, 2003, both dates and times inclusive, notifies the Personnel Department, in writing, on a form provided by the Personnel Department or its equivalent, of his or her intention to retire on or before May 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a May 30, 2003 departure date would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond May 30, 2003, and still receive their retirement allowance as set forth herein, providing their last day of work for the city occurs on or before September 26, 2003.~~

~~(B)~~

~~Any such employee who, as of his or last day paid, has at least fifteen (15) years of service, and whose age plus years of service equals at least fifty-five (55) years, but who, as of his or her last day paid does not have twenty (20) years of service, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one half of one (0.5) percent for each whole year the~~

~~employee retires short of what would have been his or her earliest normal retirement date, with proration for any fraction of a year.~~

~~(G)~~

~~Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.~~

~~(D)~~

~~Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, exclusive of any additional pension service purchased from accumulated sick leave pursuant to this chapter and/or employee's collective bargaining agreement, as applicable, (such pension service being that which is commonly known as the type that may be purchased through the "sick exchange" program), the retirement allowance for which shall be calculated as otherwise stated in this chapter and/or the employee's collective bargaining agreement, as applicable), up to a maximum of eighty (80) percent of final average pay.~~

~~(E)~~

~~Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."~~

~~(F)~~

~~For purposes of this subsection (5), the following terms shall have the meaning ascribed thereto below:~~

~~(i)~~

~~An employee's "vested normal retirement allowance" is the amount of that reduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (5), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid;~~

~~(ii)~~

~~The date that otherwise would have been an employee's "earliest normal retirement date" is that date on which the employee otherwise would have been able to first begin receiving his or her vested normal retirement allowance; and~~

~~(iii)~~

~~For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection. Thus, for example, if an employee with twenty (20) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance, only if his or her twenty (20) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty (20) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.~~

~~(6)~~

~~Retirement incentives for members of the MLA, HMEA and CHPEA whose last day of work is between April 15, 2003 and May 30, 2003.~~

(A)

~~Any member who is a member of the MLA, CHPEA OR HMEA, provided that the member's respective collective bargaining unit has agreed to the provisions of this subsection (6), (hereinafter referred to in this subsection as an "Employee"), who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between April 15, 2003 and May 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between April 15, 2003 and May 30, 2003, both dates inclusive, and who, between 8:30 a.m., EST, March 10, 2003 and 4:30 p.m., EST, April 15, 2003, both dates and times inclusive, notifies the personnel department, in writing, on a form provided by the personnel department or its equivalent, of his or her intention to retire on or before May 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a May 30, 2003 departure date would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond May 30, 2003, and still receive their normal retirement allowance as set forth herein, providing their last day of work for the city occurs on or before September 26, 2003.~~

(B)

~~Any such employee who, as of his or her last day paid, has at least fifteen (15) years of years of service and whose age plus years of service equals at least fifty five (55) years, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one half of one (0.5) percent for each whole year the employee retires short what would have been his or her sixtieth birthday, with proration for any fraction of a year.~~

(C)

~~Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.~~

(D)

~~Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty five one hundredths (0.25) percent for each whole year of service, exclusive of any additional pension service purchased from accumulated sick leave pursuant to this chapter and/or employee's collective bargaining agreement, as applicable, (such pension service being that which is commonly known as the type that may be purchased through the "sick exchange" program), the retirement allowance for which shall be calculated as otherwise stated in this chapter and/or the employee's collective bargaining agreement, as applicable), up to a maximum of eighty (80) percent of final average pay~~

(E)

~~Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."~~

(F)

~~For purposes of this subsection (6), the following terms shall have the meaning ascribed thereto below:~~

(i)

~~An employee's "vested normal retirement allowance" is the amount of that unreduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (6), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid; and~~

(ii)

~~For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an Employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection. Thus, for example, if an employee with twenty (20) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance, only if his or her twenty (20) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty (20) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.~~

~~(7)~~

~~*Retirement Incentives for bargaining unit employees of the Hartford Public Library whose last day of work is between April 15, 2003 and May 30, 2003.*~~

~~(A)~~

~~Any employee of the Hartford Public Library who is a member of the Evelyn Ball Professional/Non-Professional Units, Local 1716, Council 4, American Federation of State, County and Municipal Employees, AFLCIO ("Evelyn Ball"), provided that Evelyn Ball has agreed to the provisions of this subsection (6) (hereinafter referred to in this subsection as an "employee"), who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between April 15, 2003 and May 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between April 15, 2003 and May 30, 2003, both dates inclusive, and who, between 8:30 a.m. EST, March 10, 2003 and 4:30 p.m. EST, April 15, 2003, both dates and times inclusive, notifies the head librarian, in writing, on a form provided by the head librarian or its equivalent, of his or her intention to retire on or before May 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a May 30, 2003 departure date would cause an undue hardship to library operations, the head librarian may grant a deferment in such cases to library employees which would enable those employees to continue to work beyond May 30, 2003, and still receive their retirement allowance as set forth herein, providing their last day of work for the library occurs on or before September 26, 2003.~~

~~(B)~~

~~Any such employee who, as of his or last day paid, has at least fifteen (15) years of service, and whose age plus years of service equals at least fifty-five (55) years, but who, as of his or her last day paid does not have twenty-five (25) years of service, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one-half of one (0.5) percent for each whole year the employee retires short of what would have been his or her earliest normal retirement date, with proration for any fraction of a year.~~

~~(C)~~

~~Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.~~

~~(D)~~

~~Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that~~

~~otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, up to a maximum of eighty (80) percent of final average pay.~~

~~(E)~~

~~Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."~~

~~(F)~~

~~For purposes of this subsection (7), the following terms shall have the meaning ascribed thereto below:~~

~~(i)~~

~~An employee's "vested normal retirement allowance" is the amount of that unreduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (7), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid;~~

~~(ii)~~

~~The date that otherwise would have been an employee's "earliest normal retirement date" is that date on which the employee otherwise would have been able to first begin receiving his or her vested normal retirement allowance; and~~

~~(iii)~~

~~For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection (7). Thus, for example, if an employee with twenty-five (25) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance, only if his or her twenty-five (25) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty-five (25) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.~~

~~(8)~~

~~*Retirement incentives for nonbargaining unit employees of the Hartford Board of Education, and members of HFSP, HSSA, HFSHP, HESP, HFSS, Local 818 and HFP, whose last day of work is between May 15, 2003 and June 30, 2003.*~~

~~(A)~~

~~Any nonbargaining unit employee of the Hartford Board of Education (the "HBOE"), and any other employee of the HBOE who is a member of the HFSP, HSSA, HFSHP, HESP, HFSS, Local 818 or HFP collective bargaining units, provided that the member's bargaining unit has agreed to the provisions of this subsection (8), (hereinafter referred to in this subsection as an "employee") who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between May 15, 2003 and June 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between May 15, 2003 and June 30, 2003, both dates inclusive, and who, between 8:30 a.m. EST, April 14, 2003 and 4:30 p.m. EST, May 30, 2003, both dates and times inclusive, notifies the human resources department of the HBOE, in writing, on a form provided by such department or its equivalent, of his or her intention to retire on or before June 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a June 30, 2003 departure date would cause an undue hardship to HBOE operations, the superintendent may grant a deferment in such cases to employees which would~~

~~enable those employees to continue to work beyond June 30, 2003, and still receive their retirement allowance as set forth herein, providing their last day of work for the HBOE occurs on or before September 26, 2003.~~

~~(B)~~

~~Any such employee who, as of his or her last day paid, has at least fifteen (15) years of years of service and whose age plus years of service equals at least fifty-five (55) years, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one-half of one (0.5) percent for each whole year the employee retires short what would have been his or her earliest normal retirement date, with proration for any fraction of a year.~~

~~(C)~~

~~Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.~~

~~(D)~~

~~Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, up to a maximum of eighty (80) percent of final average pay.~~

~~(E)~~

~~Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."~~

~~(F)~~

~~For purposes of this subsection (8), the following terms shall have the meaning ascribed thereto below:~~

~~(i)~~

~~An employee's "vested normal retirement allowance" is the amount of that unreduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (8), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid; and~~

~~(ii)~~

~~For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection. Thus, for example, if an employee with twenty-five (25) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance only if his or her twenty-five (25) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty-five (25) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.~~

~~(aa)~~

~~*Adjustments to certain Board of Education Employees Pension Benefits*~~

~~(4)~~

~~Notwithstanding any other provisions in this Chapter to the contrary, the normal retirement allowance of all Qualified Board of Education Employees herein defined shall be adjusted in accordance with the provisions of this subsection. Such adjustment shall be made by multiplying the normal retirement allowance otherwise due such member by the factor set forth below adjacent to his or her Applicable Retirement Period.~~

~~EXPAND~~

Employee Unit	Applicable Retirement Period (July 1 - June 30)	Adjustment Factor
Local 2221,	1992-1993	1.0106
Hartford	1993-1994	1.0330
Federation of	1994-1995	1.0560
Paraprofessionals	1995-1996	1.0681

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~~Any Qualified Board of Education Employee who does not or cannot take a normal retirement allowance by retiring with a last day of work within an Applicable Retirement Period shall not be entitled to receive any adjustment to his or her normal retirement allowance hereunder.~~

~~(2)~~

~~For purposes of this subsection, a "Qualified Board of Education Employee" shall mean any member who, (i) at any time during fiscal years 1992-1993 and/or 1993-1994 was a member of the bargaining unit listed in subparagraph (1) above, and (ii) is otherwise eligible to receive a normal retirement allowance within, and in fact retires from city service with a last day of work which falls within, an Applicable Retirement Period.~~

~~(3)~~

~~For purposes of this subsection, a member's "Applicable Retirement Period" shall be any of the fiscal years designated in subparagraph (1) above in respect of the employee unit in or to which such member last belonged during Fiscal Years 1992-1993 or 1993-1994. (Ord. No. 22-94, 6-27-94)~~

~~(bb)~~

~~Section 415(m) Fund.~~

~~(1)~~

~~The provisions of this subsection (bb) shall apply to all nonbargaining unit city employees as well as all bargaining unit employees for whom the provisions of this subsection (bb) have been adopted by their collective bargaining agreement.~~

~~(2)~~

~~Except as provided in this subsection (bb), no employee shall be entitled to receive a pension benefit in excess of the IRC Maximum Benefit applicable to such employee as of the date such employee first commences receiving benefits under this Chapter (the employee's "Benefit Determination Date"). The term "IRC Maximum Benefit" shall have the same meaning ascribed thereto in subsection 3(b) of this Chapter.~~

~~(3)~~

~~The IRC Maximum Benefit applicable to any employee shall be increased in the years following his or her Benefit Determination Date to reflect (i) any post-retirement increases which are made to the applicable limitations of Section 415 of the Internal Revenue Code of 1986 as amended from time to time ("Section 415") in such years, and (ii) any applicable adjustments or other changes which may be made to any applicable limitations imposed by Section 415 by virtue of any changes which are made to the provisions of Section 415 or the regulations promulgated thereunder.~~

~~(4)~~

~~Effective January 1, 1995, any employee who, but for the operation of the limitations imposed on the level or amount of pension benefits which may be paid by a qualified plan pursuant to Section~~

~~415 as implemented by subsection 3(b) above and this section 3(bb) (together, the "Section 415 Limitations"), would be entitled, in any year, to receive a benefit from the Municipal Employees Retirement Fund which is different than that which actually is payable to such employee by reason of said Section 415 Limitations, shall be entitled to receive the difference between the actual benefit such employee otherwise would have been entitled to receive but for the Section 415 Limitations and the benefit such employee actually is entitled to receive by virtue of the operation of said limitations. A separate retirement fund is hereby established for the purpose of providing the benefits payable pursuant to this subparagraph (4) pursuant to Section 415(m) of the Internal Revenue Code of 1986, as amended, which fund shall be known as the Section 415(m) Fund and shall be administered by the Pension Commission subject to and in accordance with the provisions of section 5 of this Chapter. Notwithstanding any provision of this Charter to the contrary (including, without limitation, this subsection (bb)), any amounts paid or payable to any employee by reason of this subparagraph (4) shall not be paid or payable from the Municipal Employees Retirement Fund, but, rather, only shall be paid and payable from the Section 415(m) Fund. All benefits payable from the Section 415(m) Fund shall be subject to all of the terms and conditions that would apply thereto if they were paid from the Municipal Employees Retirement Fund; providing, however, that, in lieu of the provisions of subsection 3(k) of this Chapter, the City only shall be required to make such contributions to the Section 415(m) Fund in any year as may be determined from time to time by the Pension Commission to be necessary to provide the benefits payable therefrom in said year. No benefits shall be paid from the Section 415(m) Fund except as provided in this subparagraph (bb).~~

~~(cc)~~

~~*Pension benefits of all members represented by Local #760, International Association of Fire Fighters.*~~

~~(1)~~

~~*Applicability.* Notwithstanding anything to the contrary set forth in any provision of Section 3 of this Chapter, any provision of the Municipal Code, or any collective bargaining agreement which is in existence on the effective date of this ordinance, any member of the municipal employees retirement fund who is represented by Local #760, International Association of Fire Fighters, who is in the active service of the city on or after the effective date of this ordinance, and who did not commence receiving a normal, disability, special disability or early retirement allowance prior to the effective date of this ordinance (hereinafter a "Current 760 Member") shall be entitled to receive, and only shall be paid, the pension and other retirement allowances provided below:~~

~~(2)~~

~~*Membership.* All members of Local #760, International Association of Fire Fighters who entered the service of the city after April 30, 1947 are members of the municipal employees' retirement fund.~~

~~(3)~~

~~*City Contributions.* The city shall pay annually into the fund such proportion of the pay of all members employed by the city as may be determined from time to time by the pension commission on sound actuarial principles to be necessary in addition to the contributions by members to provide future pension allowances based on service rendered by members. The pension commission shall make a complete actuarial study of the experience of the municipal employees' retirement fund at intervals of no more than five (5) years and shall thereupon readjust the contributions to be made by the city.~~

~~(4)~~

~~*Employee Contributions.* Any employee who is a Current 760 Member shall contribute to the fund eight percent (8%) of his or her total earnings, with said contributions being deducted at each pay period and credited to the member's account in the fund.~~

~~(5)~~

~~*Vesting.* All pension benefits under the provisions of the municipal employees' retirement fund shall vest in each Current 760 Member after the completion of ten (10) whole years of continuous service, provided said member leaves his or her contributions in the fund. Vested members hired before July 1, 1984 shall receive a retirement allowance calculated in the same manner as a normal retirement allowance commencing on the date the member would normally have completed twenty (20) years of continuous service. Vested members hired on or after July 1, 1984 shall receive a retirement~~

~~allowance calculated in the same manner as a normal retirement allowance commencing on the date such member would have completed twenty (20) years of continuous service or reached age forty five (45), whichever is later. Any vested member shall receive at the time of separation from city service a statement by the appropriate city official indicating the date on which he or she shall first be entitled to receive a retirement allowance and the amount of said allowance.~~

~~(6)~~

~~*Final Average Pay.* Final average pay for all Current 760 Members shall be calculated on the basis of the employee's weekly rate of pay immediately preceding the start of retirement multiplied by fifty-two (52), plus the "total amount of holiday pay" for an employee who regularly performs fire fighting duties and receives the additional twelve (12) hours pay for each holiday for the fifty-two (52) week period immediately preceding the start of retirement. "Weekly rate of pay" means the employee's normal total gross weekly pay including college incentive pay and the five percent (5%) "additional compensation", if applicable. "Weekly rate of pay" does not include private job (PJ) earnings, overtime earnings, standby pay or the five percent (5%) additional compensation provided to Deputy Chiefs assigned as shift commander. Said "weekly rate of pay" shall be used in calculating final average pay even when an employee is on a reduced or non-pay status. The "total amount of holiday pay" means the employee's normal total gross holiday pay. Said "total amount of holiday pay" shall be used in calculating final average pay even when an employee is on a reduced or non-pay status. In the event an employee experiences a reduction in rank, "weekly rate of pay" is based upon the final rate of pay, immediately preceding the start of retirement at his or her highest growth step of the highest rank held by the employee within two (2) years prior to retirement.~~

~~(7)~~

~~*Normal Retirement.*~~

~~(a)~~

~~*Eligibility.* Any Current 760 Member who was hired before July 1, 1984 shall be eligible to retire and to receive a normal retirement allowance upon completion of twenty (20) years of continuous service. Any such member who was hired on or after July 1, 1984 shall be eligible to retire and to receive a normal retirement allowance upon completion of at least twenty (20) years of continuous service or upon attainment of the age of forty five (45), whichever is later.~~

~~(b)~~

~~*Allowance.* The normal retirement allowance for a Current 760 Member who was hired before July 1, 1984, shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service and two percent (2%) of final average pay for each whole year thereafter. The normal retirement allowance for a Current 760 Member hired on or after July 1, 1984 shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service and two percent (2%) of final average pay for each whole year of service thereafter to a maximum of seventy percent (70%) of final average pay.~~

~~(8)~~

~~*Early Retirement*~~

~~(a)~~

~~*Eligibility.* Any Current 760 Member shall be eligible for early retirement and to receive an early retirement allowance upon completion of ten (10) years of continuous service by or at any time after his or her fiftieth (50th) birthday.~~

~~(b)~~

~~*Allowance.* Any Current 760 Member and who chooses to take early retirement may, in lieu of the refund of such member's contributions, elect to have his or her early retirement allowance calculated in accordance with one of the below options:~~

~~(1)~~

~~To receive an immediate early retirement allowance which shall be determined by the pension commission and which shall be actuarially equivalent to the retirement allowance which the member would have received if the member had left his or her contributions in the fund until the date the member would have first become eligible for a normal retirement allowance; or~~

(2)

~~To receive an immediate early retirement allowance equal to the amount of retirement allowance the member would have received if the member had left his or her contributions in the fund until the date the member would have first become eligible for a normal retirement allowance reduced by two percent (2%) for each whole year by which the date of the member's termination of service falls short of the date on which the member would have first become eligible for a normal retirement allowance, with proration for any fraction of a year.~~

(c)

~~*Alternate Early Retirement Allowance.* Any Current 760 Member hired on or after July 1, 1984, who has completed twenty (20) years of continuous service but who has not reached age forty five (45) shall be eligible for early retirement and to receive an immediate early retirement allowance which shall amount to two percent (2%) of such member's final average pay for each whole year of service.~~

(9)

~~*Retirement for Disability.*~~

(a)

~~*Service Connected Permanent and Total Disability.* Any Current 760 Member shall be eligible for retirement and to receive a disability retirement allowance, irrespective of length of service, if he or she becomes permanently and totally disabled from engaging in any gainful employment provided that such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of employment as defined in the Worker's Compensation Act. The amount of such service connected permanent and total disability allowance shall be determined as one hundred percent (100%) of the member's final average pay as defined in this subsection, less any amount or amounts received under the Worker's Compensation Act.~~

(b)

~~*Non-Service Connected Permanent and Total Disability.* Any Current 760 Member shall be eligible for retirement and to receive a disability retirement allowance if he or she becomes permanently and totally disabled from engaging in any gainful employment provided the member has completed five (5) years of continuous service. The amount of said non-service connected permanent and total disability allowance shall be computed in the same manner as a normal retirement allowance and shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service, and two percent (2%) for each whole year of continuous service thereafter, except that a minimum allowance equal to twenty five percent (25%) of final average pay is provided.~~

(c)

~~*Service Connected Special Disability.* Any Current 760 Member shall be eligible to receive, irrespective of length of service, a special disability retirement allowance if the member suffers a permanent disability which prevents the member from performing the full duties of his or her class but does not prevent the member from engaging in other gainful employment provided that such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of employment as defined in the Worker's Compensation Act. The amount of said service connected special disability allowance shall be determined as fifty percent (50%) of the member's final average pay, plus two percent (2%) for each year of continuous service in excess of twenty (20) years of continuous service, if any.~~

~~If a Current 760 Member has completed less than fifteen (15) years of continuous service at the time the disability arises, the initial special disability allowance shall be reduced by any income from gainful employment which, together with the special disability allowance, exceeds one hundred percent (100%) of the current rate of pay for an employee of the same or corresponding job classification held by the employee at the time of retirement. For purposes of this subsection, any amount or amounts received under the Worker's Compensation Act shall not constitute income from gainful employment.~~

(d)

~~*Non-Service Connected Special Disability.* Any Current 760 Member shall be eligible to receive a special disability retirement allowance if the member suffers a permanent disability which prevents~~

~~the member from performing the full duties of his or her class but does not prevent the member from engaging in other gainful employment provided that the member has completed ten (10) years of continuous service at the time the disability arises. The amount of said non-service connected special disability allowance shall be computed in the same manner as a normal retirement allowance and shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service, and two percent (2%) for each whole year of continuous service thereafter, except that a minimum allowance equal to twenty five percent (25%) of final average pay is provided.~~

~~If a Current 760 Member has completed less than fifteen (15) years of continuous service at the time the disability arises his or her non-service connected special disability allowance is determined each year by reducing his initial allowance by the same specified percentage of the excess, if any, of the member's earnings from gainful employment over the amount of income which a Social Security beneficiary is entitled to earn without causing a reduction in his Social Security benefits.~~

~~(e)~~

~~*Applications.* Applications for allowances payable to disabled members shall be filed within one year after the incurring of the disability, which shall be the date the member is notified that it has been medically determined that the member has suffered a disability which will prevent him or her from performing the full duties of his or her class.~~

~~(f)~~

~~*Disability Statements.* Every member retired on account of disability under any provision of this subsection shall, by March 31st, of each year, file with the pension commission a sworn statement of all earnings received by the member from employment of any kind during the year ending on the 31st of December preceding the filing of such statement, or, if no such earnings have been received, a sworn statement to that effect. If any member shall fail to make the report required herein, the payment of his or her disability retirement allowance shall be suspended until such report has been filed.~~

~~(10)~~

~~*Survivorship Benefits.* Survivorship benefits are payable to the member's surviving spouse and qualified dependent children. For purposes of this subsection, the term "surviving spouse" shall mean the spouse of a member who shall have been married to and living with the member at the time of the member's death, if the member dies while in active service, or who shall have been married to the member prior to retirement and who shall have been married to and living with the member at the time of the member's death, if the member dies after retirement. For purposes of this subsection, the term "qualified dependent children" shall mean any unmarried children under the age of eighteen (18), or over the age of eighteen (18) if physically or mentally incapacitated from engaging in gainful employment.~~

~~(a)~~

~~*Service Connected Cause of Death.* If a Current 760 Member dies before retirement from a cause arising out of and in the course of employment, as defined in the Worker's Compensation Act, the member's surviving spouse shall receive a survivor's allowance equal to fifty percent (50%) of the member's final average pay at the time of death, payable monthly until the surviving spouse's death or remarriage. If said member leaves qualified dependent children, each such child shall receive a survivor's allowance equal to ten percent (10%) of the member's final average pay, payable monthly until the child reaches age eighteen, marries or dies, whichever comes first. If the member leaves no surviving spouse, then each such surviving qualified dependent child shall receive fifteen percent (15%) of the member's final average pay, payable monthly until the child reaches age eighteen, marries or dies, whichever comes first. The total annual survivor's allowances payable under this subsection to a surviving spouse and children shall not exceed seventy five percent (75%) of the member's final average pay. In addition, the total annual survivor's allowances payable under this subsection, plus Worker's Compensation payments, if any, shall not exceed one hundred percent (100%) of the member's final average pay at the time of death. If a member dies after the member retires with a service connected disability allowance, the above survivor's benefits are payable to the member's survivors so long as they qualify for weekly Worker's Compensation benefits, the~~

~~amounts of such allowances being based on the member's final average pay at the time of his retirement. Any allowances paid under this subsection shall be in lieu of the refund of the member's contributions, except that, if the total allowances paid under this subsection, should be less than the refund of contributions which would otherwise have been paid, than [then] the excess of said refund over said allowances shall be paid in accordance with the provisions of this subsection governing the refund of contributions.~~

~~(b)~~

~~*Non-Service Connected Cause of Death.* If a Current 760 Member dies before retirement from a cause other than one arising out of and in the course of employment, as defined in the Worker's Compensation Act, the member's surviving spouse shall receive a survivor's allowance equal to twenty five percent (25%) of the member's earnings during his last twelve (12) months of employment at full salary, payable monthly until the surviving spouse's death or remarriage. If said member leaves qualified dependent children, the first such child shall receive, until age eighteen (18), marriage or death, whichever comes first, a monthly survivor's allowance of One Hundred Dollars (\$100.00). In addition, each additional qualified dependent child shall receive, until age eighteen (18), marriage or death, whichever comes first, a monthly survivor's allowance of Fifty Dollars (\$50.00). Any survivor's allowance or allowances provided to qualified dependent children shall be payable to the surviving spouse if the children are in his or her care, or otherwise to the guardian of the children. The total annual survivor's allowances payable to the surviving spouse and qualified dependent children shall not exceed one hundred percent (100%) of the member's final average pay at the time of his death or retirement.~~

~~(11)~~

~~*Refund of Member Contributions.* Any Current 760 Member leaving the employment of the city before becoming eligible for retirement may withdraw, on request to the pension commission, the total of all contributions to the fund made by him or her without interest. If the member is not vested, such request for a refund of contributions must be made within ten (10) years of separation from city service, or the member's contributions shall revert to the fund. In the case of the death of a member, the member's contributions, less any retirement allowances paid to the member, and less any survivors allowances paid to a surviving spouse and/or qualified dependent children, shall be paid from the fund on the order of the pension commission to the beneficiary or beneficiaries, if any, named by such member. If no named beneficiaries survive the member or his or her eligible survivors, than [then] the refund shall be made to the executors or administrators of such member or his or her spouse, as the case may be, except that, if the amount is less than one thousand dollars (1,000.00), the refund may be made, at the option of the pension commission, in accordance with the terms of Section 45-266 of the General Statutes or any amendment thereto. A member can designate his or her contributions beneficiary by completing a form which may be obtained and filed in the City Treasurer's office.~~

~~(12)~~

~~*Continuity of Service.* For purposes of determining the eligibility of Current 760 Members to receive retirement allowances, periods of absence of not more than ninety (90) days in any one (1) calendar year shall not be considered as breaking continuity of service. Periods of absence of more than ninety (90) days by reason of a leave of absence granted by the council, or where the absence is occasioned by disability involving the regular attendance of a physician, shall not be considered as breaking continuity of service. Any period of absence shall not be included in determining the amount of any retirement allowance provided herein. After any period of absence which is considered to break continuity of service, a returning member must complete ten (10) years of continuous service before becoming otherwise eligible for any retirement allowance. A member returning from such a period of absence who has previously withdrawn his or her contributions from the fund, may repurchase his or her prior service credits by repaying said contributions plus interest.~~

~~(13)~~

~~*Assignments prohibited.* Any assignment by a member, beneficiary or spouse of any allowance or benefit payable under the terms of this subsection shall be void. Each such allowance and benefit shall be for the support of the member, beneficiary or spouse entitled thereto and shall be exempt~~

~~from the claims of creditors of such member, beneficiary or spouse, provided, if the provisions of this subsection are contrary to the laws governing a particular set of circumstances, as to that set of circumstances, any allowance or benefit payable hereunder shall be exempt to the maximum extent permitted by law.~~

~~(14)~~

~~*Service Credit.* "The pension includes credit for all service, including any period of military or related service during World War II, for which the member has paid the required contribution to MERF Fund. It also includes credit for his period of service in the Armed Forces or during the Korean Conflict, from June 27, 1950 to October, 1953, provided he was employed by the city at the time of entry into such service."~~

~~(15)~~

~~*Military Service Credit.* Any Current 760 Member who served in the active service of any branch of the armed forces of the United States during any part of the times set forth in Section 27-103 of the General Statutes may purchase credit for up to four (4) years of that military service. Such credit shall be purchased at the rate payable at the time of the member's entry into city service, with interest at the rate of seven percent (7%) per annum. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford, or shall be retired prior thereto due to disability incurred in the course of his or her employment. This provision shall not be used to establish eligibility for retirement allowances but shall be used as additional service credits for members who are qualified or become qualified for normal or disability retirement allowances. Each additional year of credited service purchased pursuant to this subsection shall be equal to two and one half percent (2.5%) of final average pay. Employees hired on or after July 1, 1984 shall not be permitted by the terms of this subsection to exceed the seventy percent (70%) maximum of their final average pay.~~

~~Employees hired on or before April 27, 1992, must complete the purchase of military service credits before April 27, 1993, provided, however, that employees who complete the purchase after April 27, 1993 may do so with a two percent (2%) per year penalty. All other employees must complete the purchase of military service credits within one (1) year of completion of the employee's probationary period, provided, however, that employees who complete the purchase of military service credits after one (1) year may do so with a two percent (2%) per year penalty. If Section 27-103 of the General Statutes is amended to include additional conflicts, employees may purchase said additional military time within one (1) year from the effective date of the amendment, provided, however, that employees who complete the purchase after one (1) year may do so with a two percent (2%) per year penalty. Any purchases period of military service credit which is less than a year, may be added to city service in order to make a complete year.~~

~~(16)~~

~~*Sick Leave Exchange.* A Current 760 Member may, upon retirement, and prior to any sick pay formula reduction, exchange a portion of his or her accumulated sick leave for up to four (4) years of additional pension service credit for the purpose of computing the amount of the member's retirement allowance. Such additional service credits shall not be used for establishing eligibility for retirement benefits, but shall be used as additional service credit for employees who are qualified or become qualified for normal or disability retirement benefits. Additional service credit may be purchased from accumulated sick leave at the rate of twenty (20) days of accumulated sick leave for each year of pension service credit, and such credit must be purchased in whole years only. Each additional year of service credit acquired pursuant to this subsection shall amount to two and one half percent (2.5%) of final average pay. Employees hired on or after July 1, 1984 shall not be permitted by the terms of this subsection to exceed the seventy percent (70%) maximum of their final average pay.~~

~~(17)~~

~~*Transfers from other departments.* Any employee who transfers to the Fire Department from other city departments and who becomes represented by Local #760, International Association of Fire~~

~~Fighters, shall receive coverage under the provisions of the municipal employees' retirement fund as such provisions relate to other Current 760 Members, provided that employees so transferred shall be eligible for normal retirement allowances under their new coverage upon completion of twenty (20) years of service with the city and provided further that such employees must complete at least ten (10) years of service in the Fire Department and, at the time of transfer, must pay into the fund a sum of money equal to the difference between what the employee has paid into the fund and what the employee would have paid into the fund had his entire service been with the Fire Department, together with interest thereon as determined by the pension commission.~~

~~(18)~~

~~*Transfers from the municipal employees' retirement fund.* Any Current 760 Member leaving the employment of the City of Hartford or other covered employment may transfer, if he is eligible for such transfer to the employees' retirement system of the federal government of the United States, or the retirement system of a state or any political subdivision thereof within the United States, which is being operated on an actuarial basis with contributions made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account. Such transfer may not become effective, however, unless an appropriate agreement of reciprocity is executed. Upon approval of the pension commission, the actuarial reserve for the member's annuity benefit, as determined by the pension commission shall be transferred to the retirement system under which the employee will be covered in his new position.~~

~~(19)~~

~~*Transfers to the municipal employees' retirement fund.* Any person who has not attained his sixtieth birthday and who is a member of the employees' retirement system of the federal government of the United States or the retirement system of a state or any political subdivision thereof within the United States which is being operated on an actuarial basis with contributions being made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account may, upon approval of the pension commission, transfer his membership to the municipal employees' retirement fund upon accepting employment with the City of Hartford; provided, however, such transfer may not become effective unless an appropriate agreement of reciprocity is executed. In order to transfer credit for such prior service, the member shall pay or cause to be paid into the municipal employees' retirement fund the amount of money required, as determined by the pension commission to purchase in full such credited service. In no event shall there be any city contributions made toward the purchase of such service. Whenever such employee enters the municipal employees' retirement fund, he must elect within thirty (30) days of entrance into said fund to purchase credit for such prior service. If the pension commission approves the payment of money due on an extended payment basis, interest at a rate to be determined by the pension commission, but not exceeding six and one-half percent (6.5%) per annum, may be charged. No credit under the municipal employees' retirement fund shall be granted, however, for any period of prior service for which the employee is either receiving a retirement benefit or has retained a vested benefit.~~

~~(20)~~

~~*Effect of repeal.* In case of the repeal of this subsection [(cc)], the liability of the city to members of the municipal employees' retirement fund shall be limited to the amount of their respective contributions thereto, provided all retirement allowances vested by retirement shall be paid in full in accordance with the provisions of this section.~~

~~(21)~~

~~*Limitation on credited service.* Notwithstanding any other provision of this subsection [(cc)] or of this article, any credited service earned, given or purchased by a Current 760 Member may not be used for qualifying that member for retirement benefits before normal retirement age and at least five (5) years of actual city service.~~

~~(22)~~

~~*Disputes.* Any dispute pertaining to benefits or allowances provided in this subsection shall not be subject to the grievance procedure.~~

~~(dd)~~

~~Amendments required to conform to Section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code") and related provisions. The provisions of this subparagraph (dd) shall control, notwithstanding any provision of this chapter to the contrary:~~

~~(i)~~

~~As required under Section 401(a)(1) and (2) of the Code, no part of the corpus or income of the fund may be used for, or diverted to, purposes other than for the exclusive benefit of its members and their beneficiaries prior to the satisfaction of all liabilities of the fund thereto; it being the intent of this chapter that all contributions which have been and hereafter may be made to the fund shall be made for the purpose of distributing the corpus and income of the fund to such members and their beneficiaries in accordance with the terms governing the payment of benefits from the same. For purposes of this subparagraph (dd), the terms "beneficiary" and "beneficiaries" shall mean and include (a) qualified surviving spouses, (b) any alternate payees under any domestic relations orders which are determined by the commission to constitute qualified domestic relations orders in accordance with regulations adopted by the commission with respect to such matters, and (c) such other persons as lawfully constitute beneficiaries pursuant to Section 3(j) of this chapter or other proper authority.~~

~~(ii)~~

~~As required by Section 401(a)(9) of the Code, effective July 1, 1997, any member who is eligible to receive any benefit payments from the fund shall commence receiving the same no later than his or her Required Beginning Date; likewise, any member who is not eligible to receive any benefit payments from the fund or who, although eligible, prefers to withdraw his or her contributions to the fund in lieu of receiving any benefits, shall commence receiving the same no later than on his or her Required Beginning Date. For purposes of this subparagraph (dd)(1), a member's "Required Beginning Date" shall mean the April 1 following the calendar year in which the member attains age 70 ½ or April 1 following the calendar year in which the member retires, whichever is later.~~

~~(iii)~~

~~Notwithstanding anything to the contrary which is set forth in this chapter, no member shall be entitled to receive a pension benefit in excess of the maximum amount which is permitted under the Code in order for both the fund, and its members' interests therein, to retain the tax favored treatment provided by the Code thereto (herein, the "IRC Maximum Benefit"). Without limiting the generality of the foregoing:~~

~~(a)~~

~~as required by Section 401(a)(16) of the Code (and except as otherwise provided in that section in respect of ancillary benefits and/or rollover contributions, if any, as apply to any member), no member shall be entitled to receive any benefit from the fund if, when expressed as an 'annual benefit' as provided in Code Section 415(b)(2), such annual benefit is greater than the Maximum Allowable Annual Benefit, as herein defined, as the same may be adjusted by the Secretary of the Treasury from time to time pursuant to Section 401(a)(16) of the Code; and~~

~~(b)~~

~~as required by Section 401(a)(17) of the Code, the total amount of compensation paid to any employee in any year which may be taken into account in the calculation of any benefit which may be due to any member or any of his or her beneficiaries shall not exceed the Maximum Allowable Annual Compensation, as herein defined, as the same may be adjusted by the Secretary of the Treasury from time to time pursuant to Section 401(a)(17)(B) of the Code.~~

~~For purposes of this subparagraph (dd)(3[iii]), the term "Maximum Allowable Annual Benefit" shall mean the maximum annual benefit which may be paid to a member from a qualified trust pursuant to Sections 401(a)(16) and 415(b)(2) of the Code, while the term "Maximum Allowable Annual Compensation" shall mean the maximum annual compensation which may be taken into account in the context of calculating any benefit due to any member of a qualified trust pursuant to Section 401(a)(17) of the Code. As provided in the Code, effective with the plan year commencing July 1, 2002, the Maximum Allowable Annual Benefit payable to any member during any plan year is~~

~~\$160,000, while the Maximum Allowable Annual Compensation which may be included in the calculation of any member's benefit is \$200,000.~~

~~(iv)~~

~~Actuarial assumptions. As required by Section 401(a)(25) of the Code, whenever any benefit otherwise payable under this chapter is required to be determined on the basis of actuarial equivalency, the analysis used in establishing that benefit shall be based upon assumed mortality rates as set forth in the "UP-94 Mortality Table Projected by Scale AA to 2011" with compounded interest at the rate of eight percent (8%) per annum.~~

~~(v)~~

~~Effective January 1, 1993, except to the extent that any contributions (and interest on those contributions, if any) are required to be paid to a member or a beneficiary pursuant to Subparagraph (dd)(ii) above in conformance with Code Section 401(a)(9), any member or beneficiary who elects to be paid any member's contributions (and interest on those contributions, if any) in lieu of receiving any benefits from the fund may elect to have such contributions (and interest on those contributions, if any) paid directly to another qualified retirement plan, subject to and in accordance with the terms of this subparagraph (dd)(v). Any such distribution shall be effected on behalf of a member or a beneficiary if he or she specifies the qualified retirement plan to which such distribution is to be made in writing (in such form and within such time period as may be prescribed by the commission). Any contributions (and interest on those contributions, if any) with respect to which any member or beneficiary makes the election provided by this subparagraph (dd)(v) shall be distributed thereto in the form of a direct trustee-to-trustee transfer to the qualified retirement plan so specified. For the purposes of these direct rollover provisions, a qualified retirement plan shall mean (A) a qualified defined benefit or defined contribution plan, an individual retirement account, effective January 1, 2002, an annuity contract described in section 403(b) of the Code and an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state (or any agency or instrumentality of a state or political subdivision of a state), which (B) effective January 1, 2002, in any case, agrees to separately account for amounts transferred into such plan from this plan, as contemplated by Code Section 401(a)(31)(C).~~

~~(vi)~~

~~As contemplated by Section 457(e)(17) of the Code, effective July 1, 2002, any member who is a participant in the city's Deferred Compensation Plan maintained under Section 457 of the Code (the "City's 457 Plan") may transfer all or any portion of the amounts held in his or her account in such plan to the fund in order to pay for any pension service credit which said member otherwise is eligible to, and has elected to, purchase with the fund to the extent the Code and the provisions governing the City's 457 Plan permit such a transfer to be made from that plan for that purpose; it being the intent of this provision that the fund shall accept such transfers for such purposes as permitted under Code Sections 401(a)(31)(E) and 457(e)(17). Any transfer of moneys from the City's 457 Plan which is received by the fund for said purpose shall be separately accounted for by the commission based on the extent to which such sums otherwise would or would not be includable in the member's gross income if they were distributed from the City's 457 Plan directly to the member.~~

~~(vii)~~

~~The provisions set forth in subsections (v) and (vi) above are intended to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"). These provisions are intended as good faith compliance with the requirements of EGTRRA and are to be construed in accordance with EGTRRA and any guidance issued thereunder. These provisions shall supersede any other provisions governing the fund to the extent those other provisions are inconsistent with the terms set forth in subsections (v) and (vi) above.~~

~~(ee)~~

~~*Pension rights upon reemployment by the city after periods of service in the uniformed services.*~~

~~(f)~~

~~For purposes of this subparagraph (ee), the following terms shall have the meaning ascribed thereto below:~~

~~(1)~~

~~"Service in the uniformed services" has the same meaning ascribed to that phrase in the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended ("USERRA"), 38 U.S.C. Section 4301 et seq., and means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes (without expansion or imitation) active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.~~

~~(2)~~

~~The term "uniformed services" has the same meaning ascribed to that phrase in USERRA and includes (without expansion or imitation) service in: any branch of the Armed Forces of the United States; the Army National Guard and the Air National Guard; the commissioned corps of the Public Health Service; and any other category of service designated as uniformed service by the President of the United States in the time of war or national emergency.~~

~~(3)~~

~~"Qualified USERRA Service" consists of any service in the uniformed services by any member for or by reason of which the city is required under USERRA to permit said member to provide pension service credit or other rights with the fund upon his or her reemployment with the city. In no event shall Qualified USERRA Service include Disqualified USERRA Service.~~

~~(4)~~

~~"Disqualified USERRA Service" means any service in the uniformed services from or for which a member (A) left on other than honorable conditions (including, but not limited to, under or with a dishonorable or bad conduct discharge), or (B) was dismissed or dropped from the rolls pursuant to 10 U.S.C. Sections 1161 (a) or (b).~~

~~(5)~~

~~A member's "Effective USERRA Earnings" shall be (A) the total earnings (including, but not limited to, overtime pay, private duty pay, holiday pay, sick leave and vacation pay, and shift differential pay) the member would have received but for his or her being absent during the period of his or her Qualified USERRA Service, or (B) in the event that the pension commission cannot determine that amount with reasonable certainty, the product of (i) such member's USERRA Effective Weekly Rate of Pay, times (ii) the number of weeks and parts thereof during which said member was absent performing Qualified USERRA Service.~~

~~(6)~~

~~A member's "USERRA Effective Weekly Rate of Pay" shall equal the quotient of (A) the member's total earnings during his or her USERRA Measuring Period, divided by (B) the number of weeks and parts thereof in the member's USERRA Measuring Period.~~

~~(7)~~

~~A member's "USERRA Measuring Period" shall mean that period of time, expressed in weeks, but not exceeding fifty-two (52) weeks in length, during which the member was employed by the city immediately prior to his or her USERRA Commencement Date.~~

~~(8)~~

~~A member's "USERRA Commencement Date" is that day following his or her last day of employment with the city before he or she began his or her Qualified USERRA Service.~~

~~(9)~~

~~"USERRA Reemployment Date" means that date on which a member is first reemployed by the city pursuant to or otherwise in accordance with USERRA after having performed any Qualified USERRA Service.~~

~~(ii)~~

~~Effective December 12, 1994, any member who leaves the service of the city in order to serve in any of the uniformed services shall have the opportunity to purchase pension service credit with the fund for his or her Qualified USERRA Service upon reemployment by the city pursuant to, or otherwise in accordance with, USERRA. A member's eligibility to obtain pension service credit and/or any other rights under this subparagraph (ee) shall be established by such documentary~~

~~and/or other evidence as is reasonably required for that purpose by the pension commission consistent with the requirements of 38 U.S.C. Section 4312(f).~~

~~(iii)~~

~~Upon approval by the commission, any member seeking to obtain pension service credit with the fund for his or her Qualified USERRA Service shall pay the fund such amounts as are equivalent to those which the member would have contributed in the form of employee contributions during the period of his or her Qualified USERRA Service had the member, during that period of time, been employed by the City and paid his or her Effective USERRA Earnings as herein defined.~~

~~(iv)~~

~~Any contributions required to be made by any member pursuant to this subparagraph (ee) may be paid in a lump sum, or, at the option of the member, in various increments, prior to the expiration of the Prescribed Time Period. For purposes of this provision, the "Prescribed Time Period" in which any contributions must be paid shall equal the lesser of (A) three (3) times the period of the member's Qualified USERRA Service, or (B) five (5) years, commencing, in either case, with the member's USERRA Reemployment Date. No contributions which are required to be made by any member pursuant to this subparagraph (ee) will be "picked up" and paid by the city of Hartford pursuant to the provisions of Section 3(y) of this Chapter.~~

~~(v)~~

~~The period of any Qualified USERRA Service for which pension service credit is purchased by any member pursuant to this subparagraph (ee) shall be combined with those periods of the member's continuous service occurring immediately before and after the member's Qualified USERRA Service, and, as combined, deemed to constitute one (1) period of continuous city service for all purposes under this chapter. Additionally, and regardless of whether any member has purchased pension service credit under this subparagraph (ee), any period of absence during which any member has provided Qualified USERRA Service (A) shall not cause any member to suffer any "break" in his or her continuity of service, and (B) shall be included in the computation of the member's continuous city service for the purpose of establishing any vested (i.e. nonforfeitable) rights to any benefits, as well as his or her eligibility to receive any benefits, which the member otherwise has accrued (or thereafter accrues) under this chapter. Except as otherwise provided in the preceding sentence, no member shall receive pension service credit or other rights under or in connection with the fund for any period of his or her Qualified USERRA Service (and no period of such service shall therefore be included in the computation of any member's city service) unless, and then only if and to the extent, he or she purchases pension service credit therefor in accordance with this subparagraph (ee). Without limiting the generality of the foregoing, no member shall be entitled to purchase or otherwise be given pension service credit for any period before or after his or her Qualified USERRA Service during which he or she has, but fails to exercise or delays in exercising, his or her reemployment rights under USERRA.~~

~~(vi)~~

~~The provisions of this subparagraph are intended to implement, and only implement, the requirements of USERRA. Accordingly, no right or benefit not otherwise required to be provided to any member with regard to his or her rights and/or benefits in or with respect to the fund shall be deemed to be conferred hereby. Likewise, in the event any provision of this subparagraph (ee) conflicts with or is otherwise in contravention of the requirements of USERRA, the provisions of USERRA shall control. The rights and benefits conferred by this subparagraph (ee) shall be in addition to any other rights or benefits any member has or may obtain to purchase pension service credit for the period of any military service under any other provision governing the accrual or payment of benefits of or from the fund, providing, however, that no member shall be entitled to obtain pension service credit (expressed in terms of partial or whole years of service) under any of said provisions for any period of military or other service to the extent he or she has purchased and been awarded pension service credit for such service under this subparagraph (ee).~~

~~(vii)~~

~~Nothing in this subparagraph (ee) shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum~~

~~limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter. In the event that any such member's retirement allowance would exceed any such limit if he or she was given credit for any Qualified USERRA Service purchased thereby, the fund shall refund such member the amount of his or her contributions applicable to thereto with interest at the rate of three (3) percent per annum from the date such contributions were fully paid until they are refunded by the pension commission.~~

~~(ff)~~

~~*Mandatory sick exchange for members of certain collective bargaining units.* The provisions of this subsection shall apply to any member of CHPEA, HMEA, MLA or the Communication Workers of America, Local 1298, who, in absence of this provision, upon retirement and prior to any sick pay formula reduction, otherwise would have been eligible to use a portion of his or her accumulated sick leave to purchase up to four (4) years of additional pension service for the purpose of computing the amount of his or her retirement allowance, and whose collective bargaining agreement has been amended to incorporate the provisions of this subsection (ff).~~

~~(i)~~

~~If any such member has at least twenty (20) days of accumulated, but unused, sick leave upon his or her retirement and the retirement allowance that otherwise would be payable to such member in the absence of this subsection would be less than the maximum percentage of the member's final average pay that is permitted to be paid to such member in the form of a normal retirement allowance as provided in the member's collective bargaining agreement (hereinafter, for purposes of this subsection, a "qualifying retiree"), then the amount of pension service used in the calculation of such person's retirement allowance, and the number of days of accumulated, but unused, sick leave for which such person otherwise would be entitled to be paid upon retirement, shall be adjusted in accordance with the terms of this subsection. Such adjustments shall be effected by increasing the amount of the qualifying retiree's pension service by one (1) whole year of service for each twenty (20) days of accumulated, but unused, sick leave that were credited to such person's account prior to the calculation of any amounts that otherwise would have been or will be paid to such person pursuant to the sick pay reduction formula applicable to that person, up to a maximum of four (4) whole years of pension service credit or the maximum percentage of final average pay permitted by the retiree's collective bargaining agreement, whichever results first. Likewise, the amount of accumulated sick leave for which the retiree otherwise is entitled to be paid a lump sum upon retirement shall be concomitantly reduced by twenty (20) days for each additional year of pension service that is credited to such retiree as aforesaid. Fractional years of pension service shall not be awarded pursuant to this provision.~~

~~(ii)~~

~~The percentage of any qualifying retiree's final average pay attributable to any additional pension service credited to such retiree pursuant to this subsection shall be the same percentage of final average pay that otherwise would be used to determine such retiree's normal retirement allowance pursuant to the terms of his or her collective bargaining agreement in effect as of March 24, 2003 and in the absence of sections 3(z)(5) and (6) of this chapter. Additionally, any qualifying retiree's retirement allowance that is adjusted pursuant to this subsection shall be subject to and paid in accordance with the provisions of Section 3(bb) of this chapter entitled "Section 415(m) Fund."~~

~~(iii)~~

~~The provisions of this subsection shall control notwithstanding, and shall be in lieu of, any other provisions contained in any qualifying retiree's collective bargaining agreement to the extent those other provisions would allow such retiree to elect to (or would pertain to any election made by any such retiree to) exchange any sick leave (and/or payments that otherwise would be made on account of accrued, but unused, sick leave) for additional pension service credit. Nothing herein shall, however, affect the provisions of such agreements that pertain to the payment of a percentage of a member's accrued, but unused, sick leave to the extent that any such sick leave is not required to be, and, in fact, is not, exchanged for additional pension service credit pursuant to this subsection.~~

~~(iv)~~

~~The provisions of this subsection shall be effective retroactive to January 1, 2003, provided the collective bargaining units referenced in this subsection agree in writing to this section.~~

Sec. 20.4. – Statement of earnings by employees retired on account of disability³⁵⁴.

~~Every employee of the city retired on account of disability under any provisions of this chapter shall, by March 31st of each year, file with the pension commission a sworn statement of all earnings received by him or her from employment of any kind during the year ending on the thirty-first of December preceding the filing of such statement, or, if no such earnings have been received, a sworn statement to that effect. If any employee shall fail to make the report required above, the payment of his retirement allowance shall be suspended until such report has been filed.~~

Sec. 20.5. – Administration.

~~(a)~~

~~For purposes of this section, the following terms shall have the meaning ascribed thereto below:~~

~~(i)~~

~~"Savings accounts" shall mean any of such deposits in or accounts with (including, without limitation, certificates of deposit issued by) any banking institutions as referenced in C.G.S. Sections 45a-203 (a)(2) and (3).~~

~~(ii)~~

~~"Equity investments" shall mean and include any and all securities, real property and other investments (including, without limitation, common stocks, and shares of (or units in) any closed or open end investment companies or trusts) except the following: (A) cash and cash equivalent securities, (B) savings accounts, (C) any corporate or government bonds, (D) mortgages, or (E) other fixed income instruments or securities;~~

~~(iii)~~

~~A "qualified custodian" shall be any state bank, trust company, state bank and trust company or national banking association located in the states of Connecticut or New York or in the commonwealths of Massachusetts or Pennsylvania which is a member of the Federal System and whose capital, surplus and undivided profits in the aggregate are not less than fifty million dollars;~~

~~(iv)~~

~~"Administrative expenses" shall mean and include (A) the salaries of all personnel hired by the pension commission, (B) that portion of the salaries, benefits and other compensation of those other city officials and employees who provide services to the funds to the extent their duties are fairly allocable to performing such work as determined by the pension commission, and (C) the cost and expense of all goods and services (other than investment expenses) which are procured on the funds' behalf; and~~

~~(v)~~

~~"Investment expenses" shall mean and include (A) the cost and expense of any and all custodial arrangements and investment advisory, consultant and management services, and (B) any and all costs and expenses such as brokerage fees and commissions which are typically added to, or subtracted from, the purchase price, or proceeds realized from the disposition, of any investment.~~

~~(b)~~

~~In addition to its other responsibilities hereunder, the pension commission shall administer any and all of the city's other retirement and savings plans and benefits, which, together with the funds, shall be known as the city's retirement system. It shall appoint a plan administrator of, and, with the approval of the corporation counsel, a general counsel for, the system. It also shall appoint a chief investment officer and, subject in all cases to the provisions of subparagraphs (e) and (j) below, may appoint and remove such other employees as it deems necessary or desirable to carry out its~~

³⁵⁴ Sp. Laws 1947, Act No. 30, § 4; Ord. No. 28-67, 11-7-67; Ord. No. 6-93, 2-22-93

~~responsibilities hereunder. At the pension commission's election, the general counsel may serve either as an employee or, pursuant to subparagraph (h) below, an independent contractor, and, if and so long as he or she serves as an employee, also as the plan administrator. Except as otherwise provided in this section, the pension commission shall have the sole authority for determining the titles, qualifications, duties, compensation and terms of office or employment of each official or employee which is appointed by it. All such personnel who are employed by the pension commission shall, however, be members of the Fund and entitled to the same retirement and insurance benefits as nonbargaining unit employees of the city in the unclassified service, and, at the discretion of the pension commission, other benefits similar to nonbargaining unit employees of the city in the unclassified service; providing that all the employer contributions required to fund or otherwise purchase or pay for such benefits, as well as the salaries and any other compensation payable to such personnel, shall be paid from the income of the funds. The pension commission shall be the sole authority capable of removing any employee which it has appointed from office. The pension commission shall only exercise such authority after (i) an employee has been served with written notice of the pension commission's intent to consider removing him or her therefrom, containing a clear statement of the grounds for such removal and of the time and place, not less than ten (10) days after the service of such notice, at which he or she will be given the opportunity to be heard thereon, and (ii) such hearing is then concluded. After such hearing, which shall be public at the option of such employee, the action of the pension commission shall be final. The pension commission may suspend any such employee from duty for not more than thirty (30) days pending such final action at any time after the aforesaid notice has been served thereon. The pension commission shall select, appoint, retain and discharge any employees within its jurisdiction only in accordance with the standard of care set forth in subparagraph (e) below.~~

~~(e)~~

~~The plan administrator shall be the head of the retirement system and, in that capacity, shall have responsibility for implementing the administration of the provision of benefits from the funds, including, without limitation, the calculation and payment thereof, and shall perform such other duties relative to the funds as may be prescribed by the pension commission. Such duties may include, without limitation, providing such assistance to the city treasurer in the performance of any of his or her duties under this section as is required by the pension commission. No changes shall be made in the nature or level of any pension benefits provided to any members of the funds, or to the qualifications for membership, unless the plan administrator is first given an opportunity to comment on the impact any proposed changes would have on the interpretation, administration or other matters affecting the provision of benefits from the funds, any of which comments shall be provided in writing within ten (10) days of the city manager's written request therefor or such additional period of time as is reasonably required in the circumstances. The general counsel shall represent the pension commission and the system in all legal proceedings affecting the same and provide such advice and counsel to the pension commission, plan administrator and city treasurer in connection with the system as the pension commission directs, providing, however, that no claims which are made or actions which are brought by or against, or which otherwise affect, the system, or any one or more of its plans or funds, or any person or body acting on their behalf shall be compromised without the approval of each of the pension commission, corporation counsel and the city council.~~

~~(d)~~

~~The city treasurer shall have the care and custody of all of the assets in all of the pension funds and, with the approval of the pension commission and subject to the other provisions of this section, shall have power to invest and reinvest the same in securities, real property and other investments permissible by law for the investment of trust funds pursuant to the Connecticut Uniform Prudent Investor Act, Public Act 97-140; providing, however, that no more than sixty percent (60%) of the assets of any fund shall be invested in equity investments, at any one time. For purposes of making the foregoing calculations only, assets shall be taken at book value (carrying value) rather than market value, and assets held by insurance companies on behalf of any fund, including actuarial reserves for annuity contracts, shall be included within the fixed dollar portion of the account. Any investment which was made prior to April 27, 1998, and any investment which complies with the~~

~~provisions of this section in effect at the time it is made, may be retained even though its purchase otherwise would be prohibited hereunder unless the standard of care set forth in subparagraph (e) below requires its sale or other disposition.~~

~~(e)~~

~~The city treasurer, plan administrator and the pension commission shall be fiduciaries of the system and, in that capacity, shall fulfill their duties hereunder with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would then use in the conduct of an enterprise of like character and purpose. Without limiting the generality of the foregoing, the city treasurer, plan administrator and the pension commission shall discharge their duties:~~

~~(i)~~

~~Solely in the interests of, and for the purpose of providing benefits to, participants and beneficiaries of the applicable fund or plan consistent with the other provisions of this chapter and applicable law;~~

~~(ii)~~

~~Impartially, taking into consideration any differing interests of various participants and beneficiaries within each fund and plan;~~

~~(iii)~~

~~By diversifying the investments of the assets of the funds so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so;~~

~~(iv)~~

~~Except to the extent they may be paid by the city as contemplated by subparagraphs (g) and (i) below, incurring and paying all reasonable and appropriate expenses of administering the funds and plans; and~~

~~(v)~~

~~In accordance with a good faith interpretation of the terms of this chapter and other applicable law.~~

~~(f)~~

~~Circumstances which shall be considered by the city treasurer, pension commission and any other fiduciaries when investing and managing any funds' assets also shall include, but not be limited to the following, to the extent relevant thereto:~~

~~(i)~~

~~General economic conditions;~~

~~(ii)~~

~~The possible effect of inflation or deflation;~~

~~(iii)~~

~~The expected tax consequences, if any, of investment decisions, strategies and distributions;~~

~~(iv)~~

~~The role that each investment or course of action plays within a fund's overall portfolio, which, except as otherwise provided in this section, may include financial assets, interests in closely held enterprises, tangible and intangible personal property and real property;~~

~~(v)~~

~~The expected total return from income and the appreciation of capital;~~

~~(vi)~~

~~Related trusts and other income and resources of the participants and beneficiaries;~~

~~(vii)~~

~~Needs for liquidity, regularity of income and preservation or appreciation of capital;~~

~~(viii)~~

~~An asset's special relationship or special value, if any, to the purposes of the fund;~~

~~(ix)~~

~~The size and actuarial funding status of the fund; and~~

~~(x)~~

~~The nature and estimated duration of the fund.~~

~~The fiscal integrity and economic well being of the city being of primary significance in its ability to ultimately fulfill its obligations to financially support the funds, the city treasurer and the pension~~

~~commission, also may, when possible and consistent with their other fiduciary duties imposed hereunder and applicable law, consider whether the investment of any assets of, or expenditure of any income from, any fund will enhance or promote the general welfare of the city and its residents.~~

~~(g)
The city treasurer, with the approval of the pension commission, may provide by contract with any qualified custodian for the care and custody of any or all securities and other assets of the pension funds by such custodian, or for investment advice with respect to such funds, or for both such care and custody and investment advice. Any securities held by the city treasurer or any qualified custodian also may, in turn, be deposited in a clearing corporation subject to and in accordance with the provisions of Section 45a-208 of the Connecticut General Statutes. Subject to approval by the pension commission, each of the city treasurer and plan administrator also may procure such other goods and services (including, but not limited to, the services of investment counsel, investment advisors, investment managers, actuaries, and pension benefit administrators) as may be reasonably required by them in connection with the efficient and effective administration of, or investment of any of the assets in, the funds. Subject to approval by the pension commission and the corporation counsel, the general counsel also may procure additional legal and other services as may be reasonably required in connection with his or her representation of the funds.~~

~~(h)
The selection of and award of contracts to any persons or entities which are to provide any goods or services to any plan or fund shall be governed by the standard of care set forth in subparagraph (e) above, but shall not be subject to the provisions of Chapter VIII, Sections 8-11 or Chapter XVI of this Charter. The charges for all goods and services which are procured pursuant to subparagraph (g) above, together with any and all other administrative expenses, shall be paid from the income of the funds, except to the extent that any appropriations have been made therefor.~~

~~(i)
Any person or entity (including, but not limited to, any qualified custodian) which is contracted to invest, or direct or manage the investment of, any assets of the funds shall be, and shall specifically acknowledge in writing that such advisor is, (i) a fiduciary of the assets of the fund(s) for which such advisor has agreed to provide such services, (ii) registered as an investment company or investment adviser in good standing under the Investment Company and Advisers Acts of 1940, as amended, unless exempt from such registration, (iii) subject to the same limitations and standards governing the investment and reinvestment of such assets as apply to the city treasurer and the pension commission under or by reason of this section (unless, and then only to the extent, with respect to the standard set forth in subparagraph (e)(iii) above, the city treasurer, with the pension commission's approval, agrees that such is not the case), and (iv) in compliance, and that such advisor will comply, with all applicable laws and regulations governing the investment of the assets of the funds. Any duty or responsibility which is imposed or otherwise pertains to the investment of the assets of any fund hereunder shall apply, without limitation, to the selection, acquisition, retention and disposition of each security or other investment vehicle which is, or is to be, held by such fund; provided, however that any investment decisions respecting individual assets shall be evaluated not in isolation, but in the context of the entire portfolio of the fund of which they constitute a part and as a portion of an overall investment strategy for such fund which is consistent with the requirements of this section; and, provided, further, that the city treasurer and the pension commission shall not be liable for any specific investments which are made by any investment advisor, custodian or other fiduciary so long as said person or entity is selected, appointed and retained (and the performance of such person or entity is therefore reviewed), and any assets of the fund for which the same is delegated investment responsibility are allocated, in accordance with the standards and limitations otherwise set forth in this section. Except as otherwise provided by the city treasurer or the pension commission, the limitations placed on the percentage of any fund's assets which may be invested in equity investments as set forth in subparagraph (d) above shall be calculated on the basis of all of the assets in a fund as opposed to any portions thereof for which the city treasurer retains, or any investment managers or custodians may be delegated, investment responsibility hereunder.~~

(j)

~~On or before the thirtieth day prior to the date set by the city manager for submitting budget requests in any year, the city treasurer, after consultation with the plan administrator, shall provide the pension commission with the city treasurer's recommended budget for all of the administrative expenses to be incurred in connection with the administration of the funds in the ensuing fiscal year. Each such budget shall identify (i) the amounts anticipated to be required to be paid for all administrative expenses in the ensuing year, (ii) the nature and source of all such expenses, (iii) the source of revenue (including, without limitation, soft dollars) which are anticipated to be used to pay such expenses, and (iv) the extent to which any of the foregoing differs from both the current and prior year's budgeted and actual expenses. At the time set by the manager for making budget requests, the pension commission shall submit estimates of the sums necessary to be appropriated for the ensuing fiscal year for the purpose of meeting the obligations of the city under the provisions of this chapter, and an estimate of the appropriation necessary to meet the expenses of the commission in the performance of its duties during such year. The pension commission shall have sole authority to establish its budget each year, providing, however, that none of its expenses shall be paid from the city's general fund except within the amounts appropriated by the council therefor. Additionally, except as clearly may be required to fulfill the city treasurer's, plan administrator's and/or pension commission's duties pursuant to the standard of care set forth in subparagraph (e) above, the cumulative amount of any administrative expenses which are to be paid from the income of the funds in any fiscal year shall not exceed the total of such expenses reflected in the city treasurer's recommended budget for, or one percent (1%) of the carrying value of the funds as of the first day of, said year, whichever is less.~~

(k)

~~The pension commission shall adopt a statement of investment policies and objectives for each fund which includes, without limitation, the following: (i) the desired rate of return for the fund as a whole; (ii) the desired rate of return and acceptable levels of risk for each asset class within the fund; (iii) the asset allocation goals for the fund; (iv) the guidelines which will apply to the selection and retention of custodians and investment managers for the fund; and (v) information on the types of reports which will be used to evaluate investment performance for the fund. The pension commission shall review such statement, and either change it or reaffirm or, at least once each year.~~

(l)

~~The city treasurer, with the approval of the pension commission, may provide part or all of the pensions to which retired employees of any class, as determined by the rules of the commission, are entitled by contracting with one (1) or more life insurance companies authorized to do business in the State of Connecticut for the payment of annuities to such employees, and the purchase of an annuity for any employee shall satisfy the pension obligations of the city to such employee to the extent of the annuity payments made under such contract.~~

(m)

~~The pension commission shall have the power to make rules and regulations for the purpose of carrying out the provisions of this chapter.~~

~~(Sp. Laws 1947, Act No. 30, Ch. XVI, § 5; Sp. Laws 1957, Act No. 641; Sp. Laws 1959, Act No. 496; Sp. Laws 1965, Act No. 234; Ord. No. 28-67, 11-7-67; Ord. No. 14-69, 5-12-69; Ord. No. 6-98, 4-27-98; Ord. No. 10-99, 4-26-99; Ord. No. 11-99, 4-26-99; Ord. No. 12-99, 4-26-99)~~

RETIREMENT SYSTEM FOR CITY EMPLOYEES

Sec. 21. - Charter 1941, section 233, as amended.

(a)

~~There shall be in the City of Hartford a retirement system for city employees except those employees who are included under the provisions of sections two hundred thirty-four and two hundred thirty-five of the Charter of the City of Hartford. The management of the retirement system shall be vested in a commission, to be known as the pension commission, which shall consist of three (3) electors of the city, none of whom shall be an employee thereof or shall hold any other appointive or elective office in the city government. The terms of the members now serving on said commission are~~

~~continued until the expiration of the terms for which they were appointed, and their successors shall be appointed in accordance with the provisions of sections forty-three and forty-nine of the Charter of the City of Hartford. Not more than two (2) members of said commission shall be of the same political party. The treasurer of the city shall be, ex officio, secretary of said commission but shall have no vote.~~

~~(b)~~

~~Any city employee shall be eligible for retirement from active service subject to the following conditions as to term of service and age, and shall receive, in lieu of any other compensation, an annual retirement allowance, payable monthly, for the term of his life, as hereinafter provided: (1) After fifteen (15) years of aggregate service preceding retirement, if so employed on May 5, 1927, or after twenty (20) years of aggregate service preceding retirement, if employed after May 5, 1927, and reaching the age of sixty-five (65) years if a man, or sixty (60) years if a woman, or (2) after ten (10) years of such service, if so employed on September 1, 1933, or after fifteen (15) years of such service, if employed after September 1, 1933, and becoming permanently disabled from continuing to render the service in which he has been employed, or (3) having reached the age of sixty (60) years if a man, or fifty-five (55) years if a woman, after twenty-five (25) years of such service, at a retirement allowance equal to fifty (50) percent of his average salary for the five (5) years next preceding his retirement; provided the retirement allowance of a person who is retired after becoming so disabled or after reaching the age of sixty (60) years if a man or fifty-five (55) years if a woman, and who has had more than twenty-five (25) years of aggregate service preceding retirement, shall be equal to two (2) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service. Employees of the Hartford board of education, having reached the age of fifty-five (55) years if a man with thirty (30) years of such service, or fifty-five (55) years if a woman, after twenty-five (25) years of such service, at a retirement allowance equal to fifty (50) percent of his average salary for the five (5) years next preceding his retirement; provided the retirement allowance of a person who is retired after becoming so disabled or after reaching the age of fifty-five (55) years, and who has had more than twenty-five (25) years of aggregate service preceding retirement, shall be equal to two (2) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service.~~

~~Any person permanently disabled from continuing to render the service in which he has been employed as a result of any injury received while in the performance of his duty as an employee of the city shall be retired at a retirement allowance equal to fifty (50) percent of his salary at the time of such retirement, regardless of his term of service unless such term shall entitle him to a greater percentage.~~

~~Any city employee who is not otherwise eligible to receive a retirement allowance under the provisions of this section and who, after reaching the age of fifty (50) years and after fifteen (15) years of continuous service, shall be obliged to retire involuntarily from service, except for malfeasance or misfeasance in office, shall receive a retirement allowance equal to two and one-half (2½) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service; provided no such retirement allowance shall exceed one-half of his average salary for the last five (5) years of his service or two (2) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service, whichever is greater; and provided, in computing the age and years of service hereunder, the termination of service in the case of an employee appointed under the provisions of law for a definite term shall be construed as of the date when such term would have ended in the event no change was made by law in such term. In the determination of the period of service, the period during which any city employee was engaged in the service of the Keney Park trustees, of the board of education of the Town of Hartford or of any of the former school districts, of the mayor's Americanization committee or of the trustees of the Hartford grammar school shall be included. Periods of absence of not more than ninety (90) days in any one (1) year, without pay, during the course of such service or transfers from one (1) city department to another shall not be considered as breaking the continuity of a year's service. Periods of absence of more than ninety (90) days by reason of authorized leave of absence or any disability necessitating the regular attendance of a~~

~~physician, unless such requirement is waived in the event such attendance shall be declared unnecessary by medical authority satisfactory to the commission, shall not be considered as breaking its continuity, provided such absence shall not exceed a period of twelve (12) calendar months, nor shall the continuity of service of teachers employed by the board of education be considered broken when they are on authorized leave of absence for professional improvement for a period not to exceed twenty-four calendar months but such periods of absence shall not be included in the period of service in determining the amount of the retirement allowance. Any city employee who shall have attained the age of seventy (70) years, if a man, or sixty-five (65) years, if a woman, shall be retired from active service unless said commission shall, on written recommendation of his department head, permit such employee to remain in active service. Any city employee who shall have reached retirement age after having served not less than ten (10) years but without having served twenty (20) years shall receive a retirement allowance equal to two and one-half (2½) percent of his average salary for the last three (3) years of his service multiplied by the number of whole years of such service. Each retirement allowance shall be based upon the basic salary of the employee, regardless of any general temporary increase or reduction thereof or any reduction or nonpayment on account of illness or temporary absence. No annual retirement allowance granted under the provisions of this act shall exceed the sum of four thousand dollars (\$4,000.00) or two-thirds of the employee's average salary for the five (5) years next preceding his retirement, whichever is greater.~~

~~(c)~~

~~In the case of any city employee retired because of disability, existence and continuation of such disability shall be determined by the pension commission after such medical examination as it may require. Such allowance shall not be paid in any case when an award has been made under the workmen's compensation law except when such payments shall have terminated or when payments under said law shall be less than the allowance provided by the terms of this act, in which event the difference between such allowance and such compensation benefits shall be paid. In order to obtain the benefits of this section, such employee shall make application in writing for a disability retirement allowance to the pension commission within one (1) year after the termination of his service.~~

~~(d)~~

~~Any annual retirement allowance payable to any teacher employed by the City of Hartford shall be reduced annually by an amount equal to the pension, if any, which such teacher is entitled to receive from the state retirement system by reason of the contribution or appropriation of state funds to said system, the amount of such reduction to be computed on the basis of such pension being payable as a life annuity on the pensioner's life, regardless of whether the pensioner shall actually receive his pension on this basis or whether, under the optional benefit provisions of said retirement system, the pension shall be based on the pensioner's life and that of a dependent, and provided such reduction shall be based on the proportion of the years of service in Hartford to the total number of years of service upon which the state pension is based. Reduction of the city's annual retirement allowance by the amount of the state pension contribution shall be computed by using the state pension formula in effect previous to July 1, 1967. Any member of the state teachers' retirement association who avails himself of the privilege of retirement under the provisions of this act before becoming eligible for a pension under the state retirement system shall be required to pay to the city the difference between his contribution for his years of service under this act and the contribution required of other city employees based on whatever percentages may have been stipulated for the same period, together with interest on such deferred contributions at a rate to be determined by the commission. In computing the retirement allowance, the years of active service of any employee shall include all the years that such employee has been in the employ of said city, of said board of education of the Town of Hartford or any of said school districts or of said Keney Park trustees. In computing such retirement allowance for that teacher in the high school department who is known as the "Master of Hartford Grammar School," the pension commissioner shall use as the basis of the computation the sum total of the compensation paid to such teacher annually by the city and by the trustees of the Hartford grammar school, and the years of active service of such teacher shall include all the consecutive years that such teacher shall have been in the employ of said city or said~~

~~trustees or of both. The term "salary" as used in this act, shall include the value of any maintenance furnished to an employee at the expense of the city when such maintenance, in the judgment of the pension commission, was furnished to such employee in lieu of salary. The value of the maintenance so included shall be as determined by said commission.~~

~~(e)~~

~~The department of finance shall keep such records, both financial and statistical, as may be necessary for the proper administration of this section, and, upon request, the heads of the several city departments shall furnish the department of finance such information as may be necessary for such purpose.~~

~~(f)~~

~~The pension commission shall have power to make reasonable rules and regulations for carrying out the provisions of this section and may employ such assistance, necessary for the effective performance of its duties as the court of common council shall by ordinance provide. It shall annually submit to the board of finance of said city, in accordance with the Charter and ordinances, its estimate of the appropriation required to pay the retirement allowances already in effect and to become effective during the ensuing fiscal year and the necessary expenses of said commission, and such estimates as revised by the board of finance shall be included in the report of said board to the court of common council of said city.~~

~~(g)~~

~~The term "city employee," as used in this section shall not include those employees who are included under the provisions of sections two hundred thirty-four and two hundred thirty-five of the Charter of the City of Hartford, but shall include elected or appointed officials and employees of the Town of Hartford, and employees of the board of education of the Town of Hartford, and the term "teachers employed by the city," as used in this section, shall include teachers employed by the board of education of the Town of Hartford. Unless a different meaning is plainly indicated by the context, the term "retirement age" as used in this act shall be construed to mean the age of sixty-five (65) years.~~

~~(h)~~

~~All retirement allowances or pensions heretofore granted by the City of Hartford are validated and continued in force.~~

~~(i)~~

~~When any person employed by The Metropolitan District or by the City of Hartford shall be transferred, either temporarily or permanently, to the service of the other, the period of his service with each municipality shall be counted for the purpose of qualifying such employee for a retirement allowance and for the purpose of computing the amount thereof. The municipality by which such employee is employed at the time of his retirement shall pay to him the retirement allowance provided under the terms of its retirement system and the other municipality shall contribute monthly to such allowance a proportion of the total thereof equal to the ratio which his period of service with such other municipality shall bear to his total period of service with both municipalities; provided such proportionate contribution shall, in no case, exceed the proportionate amount of retirement allowance which would be allocable to such period of service if his total period of service had been rendered to the municipality so contributing. The term "period of service," shall be construed to mean such service as may be considered in qualifying such employee for a retirement allowance under the provisions of the retirement system of the municipality to which such service shall have been rendered. If either of such municipalities shall not have adopted a retirement system or if the retirement systems of such municipalities shall not provide for retirement allowances on the same or substantially the same basis, such employee shall receive a retirement allowance based upon the terms of the retirement system of said city and contribution to such retirement allowances shall be made on the basis set forth in this subsection. The terms "municipality" and "municipalities" as used in this subsection, shall mean only the City of Hartford and The Metropolitan District, whichever is applicable.~~

~~(j)~~

~~Whenever the pension commission shall determine that a pensioner who has been granted a retirement allowance based upon disability has sufficiently recovered from such disability to engage~~

~~in gainful occupation or employment, it shall be incumbent upon the city to provide such pensioner with employment which, in the judgment of said commission, is suitable, at a rate of compensation consistent with the minimum rate which said commission shall establish. If such pensioner shall thereafter reenter active employment of the city, payment of the retirement allowance theretofore granted to such pensioner shall be suspended during the period or periods in which the pensioner is so employed. If, at any time, the city shall provide employment, approved by the commission, and the pensioner shall fail to accept such employment, such allowance shall be irrevocably canceled. If, at any time, subsequent to reemployment, the pensioner shall not be employed by the city for reasons beyond his control or deemed justifiable by the commission, the commission may order the payment of such retirement allowance to be resumed during the period of such unemployment, or until the city shall provide employment satisfactory to the commission. Any pensioner who shall reenter the active service of the city shall be required to make the monthly contributions provided for under subsection (l) of this section, and when thereafter retired under the provisions of subsections (b), (c) and (d) of this section shall be entitled to receive the same retirement allowance he was entitled to receive prior to such reemployment, and in addition thereto a further annual allowance for each additional year of active service, at the rate of two (2) percent of the average annual salary upon which such allowance was computed.~~

~~(k)~~

~~Each application for retirement shall be made to the pension commission. The department of finance shall, upon request by any employee who is making contributions under the provisions of this section, notify such employee of the total amount of contributions credited to him as of the preceding April first.~~

~~(l)~~

~~*Contributions.* Each person in the service of the city covered by this plan shall be required to contribute during the first six (6) years from September 1, 1943, a sum equal to two and one-half (2½) percent of his salary, including the full amount of any maintenance furnished to him, and thereafter such amount as the actuarial restudy would indicate as necessary, except that the maximum contribution shall not exceed five (5) percent of his salary; provided any member of the state teachers' retirement association covered by this plan shall be required to contribute during the first six (6) years from September 1, 1943, a sum equal to one and one-half (1½) percent of his salary, including the full amount of any maintenance furnished to him, and thereafter such amount as the actuarial restudy would indicate as necessary, except that the maximum contribution shall not exceed three (3) percent of his salary. Such contributions shall be deducted from the payroll and shall be entered in the general ledger under a separate fund to be known as the "Retirement Allowance Fund." Not more than one-half of the retirement allowances provided for under subsection (b) of this section shall be paid from the fund created by the employees' contributions. The treasurer, with the approval of the board of finance, may invest as much of said fund as is not required for current disbursements in accordance with the statutes governing the investments of savings bank funds. The board of finance may authorize the treasurer to execute all instruments necessary to convey or transfer any of the assets belonging to said fund. The board of finance may authorize the transfer of any money remaining in said retirement allowance fund at the end of each fiscal year to the general fund for retirement allowance purposes only, and shall, thereafter, appropriate such moneys, with such additional moneys from the general fund as may be necessary, for the payment of retirement allowances provided for under this section and for no other purpose. An employee who entered the service of the United States in its armed forces after October 16, 1940, or who shall hereafter enter the service of the United States in its armed forces during the period while the United States shall be at war, shall not be required to contribute to the retirement allowance fund during the period of such service. If, not later than six (6) months after the termination of such period of service and within one (1) year after the United States shall have concluded treaties of peace with the countries with which it now is at war, such employees shall reenter the service of the city, his period of service in the armed forces of the United States shall be included in the determination of his period of service to the city in the same manner as if such service had been rendered, and the contributions required under this act had been paid, to the City of Hartford. Other employees absent~~

~~from duty without pay shall make no contributions during such absence. Any person leaving the employment of the city before becoming eligible to retire may withdraw, on request, the total of all contributions made by him, without interest. If any employee who has made contributions to the retirement fund shall leave the employment of the city before becoming eligible to retire and if he shall not be reemployed by the city within five (5) years, he shall be conclusively presumed to have made the request referred to in the preceding sentence. In case of the death, either before or after retirement, of a person who has contributed to the retirement fund, his contributions to said fund, without interest, less any retirement allowance payments made to him, shall be refunded by the treasurer to the beneficiary named by such person, and the records of the pension commission shall be conclusive as to whether a beneficiary shall have been named and, if so, the name of such beneficiary. If a person shall have named more than one (1) beneficiary, then, unless otherwise specifically provided by him, the refund shall be made equally to such of the named beneficiaries as survive him. If no named beneficiary shall survive a person, the refund shall be made to the executors or administrators of such person, except that, if the amount shall be less than five hundred dollars (\$500.00), the refund may, at the option of the treasurer, be made in accordance with the terms of Section 49-70 of the General Statutes.~~

~~(m)~~

~~*Credit for war service.* Any employee of the city who entered the service of the United States in its armed forces and auxiliaries thereof after October 16, 1940, or who enters the service of the United States in its armed forces and auxiliaries thereof during the period while the United States is at war, and returns to the service of the city shall be credited with the period of such federal service to the same extent as though it had been a part of the term of his employment by the city. Except as otherwise provided in this section, in determining the length of service for the purpose of this section, (1) service prior to September 1, 1943, shall be included only for persons who commence to contribute to the retirement fund before October 1, 1943; (2) no month after August 31, 1943, shall be counted if the employee made no contributions to the retirement fund for such month; and (3) if the employee shall request the withdrawal of his contributions in accordance with subsection (l), no service prior to the date of such request shall be counted in determining his service.~~

~~(n)~~

~~*Payment by city and employees.* If the income of the retirement allowance fund shall be found at any time insufficient to meet the requirements upon it, the city shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of the fund shall be provided by the city in its annual appropriations. Except as otherwise provided herein, all persons in the service of the city shall contribute to said fund unless they shall have notified the pension commission in writing before September 15, 1943, that they elect to be excluded from the provisions of this section. If they shall not so contribute, they shall be deemed to have waived all rights for retirement allowance under the provisions of this section or any subsequent retirement act. Except as otherwise provided herein, all persons entering the service of the city after the effective date of this act shall contribute to said fund, provided any member of the state teachers' retirement association, upon entering the service of the city, may elect to be excluded from the provisions of this section by so notifying the pension commission within two (2) months after beginning such service. Temporary, emergency and provisional employees shall not be required to contribute unless their employment shall be given a permanent status, at which time they shall begin contributing with respect to salaries received thereafter, and may elect to contribute with respect to salaries received during the twelve (12) months next preceding their employment being given a permanent status, by paying arrears of contributions without interest. Any employee who notified the pension commission in writing before September 15, 1943, of his election to be excluded from the provisions of this act may elect to contribute to the pension fund by notifying the pension commission in writing on or before September 15, 1945, and he shall be entitled to all the benefits thereof; provided he shall pay into the pension fund a sum equal to two and one-half (2½) percent of his salary from September 1, 1943, until such time as he elects to contribute.~~

~~(o)~~

~~Optional form of retirement allowance. Any person who may become entitled to a retirement allowance in accordance with this section may, subject to such regulations as the pension commission may, from time to time, establish, elect to receive a reduced monthly retirement allowance with the provision that such retirement allowance, or such part thereof as may be specified by such person in his notice of election, shall be continued after his death to his spouse named in such election for as long as such spouse shall live. The reduced retirement allowance shall be in such an amount as may be determined by the pension commission to be the actuarial equivalent of the retirement allowance that would be payable were it not for the election of this option. The pension commission may provide that no person may elect this option unless he either makes such election in writing, filed with the pension commission at least three (3) years before the due date of his first retirement allowance payment, or passes a satisfactory health examination at the time of marking such election. Any city employee having become eligible to receive a reduced retirement allowance under the provisions of this subsection may elect to have that portion of such reduced retirement allowance which would become payable to such employee's spouse upon the death of such employee after retirement, become payable to such spouse upon the death of such employee before retirement, by notifying the pension commission of his election to subscribe to such regulations as may be established by such commission for that purpose, and said commission shall establish such regulations therefor as they deem equitable.~~

~~(p)~~

~~Appeals. Any person aggrieved by any decision of said pension commission may, within fifteen (15) days from the date when such decision shall have been rendered, take an appeal to the court of common pleas or the superior court for Hartford County, which appeal shall be made returnable to such court in the same manner as that prescribed for civil actions brought to such courts. Notice of such appeal shall be given by leaving a true and attested copy thereof with said commission within twelve (12) days before the return date to which such appeal shall have been taken. The appeal shall state the reasons upon which it shall have been predicated. The authority issuing the citation in such appeal shall take from the appellant a bond or recognizance to said commission, with surety, to prosecute such appeal to effect. Said commission shall be required to return either the original papers acted upon by it, and constituting the record of the case appealed from, or certified copies thereof. The court, upon such appeal, shall review the proceedings of said commission and if, upon the hearing upon such appeal, it shall appear to the court that testimony is necessary for the equitable disposition of the appeal, it may take evidence or appoint a referee or committee to take such evidence as it may direct and report the same to the court, with his or its findings of fact and conclusions of law, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may reverse or affirm, wholly or partly, or may modify or revise the decision appealed from. Costs shall not be allowed against said commission unless it shall appear to the court that it acted with gross negligence, in bad faith or with malice in making the decision appealed from.~~

~~(q)~~

~~If an employee leaves the employ of the city and subsequently returns thereto, he shall be required to return to the city within one (1) year any contributions that he may have previously withdrawn, plus interest from the date of withdrawal, in order to include his former years of employment to the aggregate of his employment for the purposes of this act.~~

~~(r)~~

~~If a member dies before retirement from a cause arising out of and in the course of his employment, as defined in the Workmen's Compensation Act, his widow shall receive a monthly survivor's allowance at a rate equivalent to fifty (50) percent of his annual pay at the time of his death, until she dies or remarries. If said member leaves a child or children under the age of eighteen (18), each such child shall receive a monthly survivor's allowance at a rate of ten (10) percent, as measured as above, until he reaches age eighteen (18), marries or dies, whichever comes first; however, if the member leaves no widow, each child's allowance shall be at the rate of fifteen (15) percent. The total annual survivors' allowances payable under this section plus workmen's compensation payments, if any, shall not exceed three-quarters of the member's average annual pay during the~~

~~five (5) years immediately preceding his death. Any allowances paid under this subsection shall be in lieu of the refund of contributions provided by subsection 1(l); except that if the total allowances paid under this subsection should be less than the refund of contributions which would otherwise have been paid, then the excess of said refund over said allowances shall be paid in accordance with subsection 1(l). As used herein the term "widow" shall include "widower."~~

~~(s)~~

~~The surviving spouse of any teacher who retires after July 1, 1968, and who at the time of retirement elects to receive an actuarially reduced pension according to existing tables and procedures, shall be entitled to receive a survivor's allowance equal to one-half of the teacher's retirement allowance as so actuarially reduced until said surviving spouse dies or remarries.~~

~~(t)~~

~~In lieu of the provisions of section (s), the surviving spouse of any teacher who retires after July 1, 1968, shall be entitled to receive a survivor's allowance equal to one-half of the teacher's full retirement allowance until said surviving spouse dies or remarries, provided the teacher shall pay an amount equal to twenty (20) percent of the total contribution made by said teacher to the retirement fund to the date of retirement. This twenty (20) percent payment may be made in a single payment at the time of retirement or may be made in installments over the period of three (3) years next preceding the date of actual retirement. The term "surviving spouse" as used in this section and section(s) aforesaid shall be limited to the spouse of such member who shall have been married to him or her prior to his or her retirement.~~

~~(u)~~

~~Any teacher who has retired between July 1, 1968 and the effective date of these amendments may exercise the elections of (s) or (t) above within sixty (60) days from the effective date of these amendments.~~

~~(Sp. Laws 1941, Act No. 527, Ch. XXVII, § 233; Sp. Laws 1943, Act No. 327, § 1; Sp. Laws 1945, Act No. 436, §§ 1, 2; Sp. Laws 1945, Act No. 386, §§ 1, 2; Sp. Laws 1945, Act No. 305; Sp. Laws 1947, Act No. 360, §§ 1—4; Sp. Laws 1947, Act No. 379; Sp. Laws 1955, Act No. 649; Ord. No. 1867, 9-11-67; Ord. No. 15-69, 6-2-69; Ord. No. 13-76, § 1, 7-12-76)~~

~~**Editor's note**— Section 233 of the 1941 Charter Revision referred to in the catchline of the above section was expressly validated and continued in force and effect for the persons participating in the fund provided for thereby, by section 1, Chapter XVII, Act No. 30, of the 1947 Charter; said section was retained in the 1967 Revised Charter without change. The effective date of subsections (s) through (u) is June 2, 1969.~~

~~**Sec. 22. — Social security for city employees—Contributions by employees; qualifications; computing allowances.**~~

~~(a)~~

~~The retirement system for city employees established by section 233 of Number 547 of the Special Acts of 1941, as amended, is further amended by adding the following: (a) Hereafter, each member of the system, except teachers, shall contribute to the system two (2) percent of that portion of his pay on which social security taxes are paid, and five (5) percent of the balance of his pay, including the full amount of maintenance furnished to him; contributions of teachers shall continue to be determined on the same basis as before.~~

~~(b)~~

~~Qualifications as to age, service or disability required for a member to become eligible for a retirement allowance shall remain unchanged. However, all retirement allowances for members shall be computed by the same formula used in Section 1 of this act except as follows: (1) Retirement allowances for teachers shall continue to be determined on the same basis as before; (2) if the pension commission should find that for any individual who was a member of the system on the effective date of this act, the sum of any retirement allowance so computed plus the social security benefit which such member is entitled to receive resulting from city service should be less than the retirement allowance which would have been payable under the city employees' retirement system in the absence of this amendment, then the commission shall increase his allowance accordingly for the period during which the lower total benefits would otherwise apply.~~

~~(Sp. Laws 1957, Act No. 347, § 2)~~

~~**Editor's note**— Section 1 of this Act, being Act No. 347, Special Laws 1957 specifically amended section 3 of Chapter XVI (now XVII) of Act No. 30, Special Laws 1947, and may be found therein.~~

~~**Sec. 23. — Same — Determining coverage.**~~

~~Services of individuals in positions, other than policemen's or firemen's positions, covered under the retirement system for city employees or the municipal employees' retirement fund need not be excluded in determining coverage under the federal social security system.~~

~~(Sp. Laws 1957, Act No. 347, § 3)~~

~~**Sec. 24. — Same — Division of employees in two parts for purpose of social security coverage; payment of taxes.**~~

~~The pension commission shall establish regulations for subdividing the municipal employees' retirement fund and the city employees' retirement system each into two (2) parts. One (1) part of each, which shall be known as Part A shall be composed of the positions of members who have not expressed a desire for social security coverage, and the other part of each, which shall be known as Part B, shall be composed of positions of members who have expressed a desire to be covered under the Social Security Act. Part B of the municipal employees' retirement fund shall also include all individuals becoming members of that fund after the date such coverage under the Social Security Act is extended. The city shall arrange to include services of individuals in positions covered by Part B of the city employees' retirement system or Part B of the municipal employees' retirement fund, except policemen's or firemen's positions, in the coverage of the social security law. Coverage shall be made retroactive to January 1, 1956, or to the individual's date of employment with the city, if later. The city's share of the taxes necessary to secure this retroactive coverage shall be paid out of the retirement allowance fund or the municipal employees' retirement fund, as the case may be. Each individual entitled to retroactive coverage shall be liable for his own share of the necessary retroactive taxes to be paid out of the fund of which he is a member and shall be charged against his contributions thereto.~~

~~(Sp. Laws 1957, Act No. 347, § 4; Sp. Laws, Sept. Sess. 1957, Act No. 5, § 1)~~

~~**Editor's note**— Section 3 of Act No. 5, Sept. Session, Sp. Laws 1957 provided that section 19 of Public Act No. 465 shall not apply to Act No. 5.~~

~~**Sec. 25. — Same — Deductions for employee's share; payment of city's share.**~~

~~Each individual who is included under social security coverage shall have deducted from his pay at each pay period the employee's share of social security taxes. The city shall provide for the payment of its own share as an employer with respect to each such individual.~~

~~(Sp. Laws 1957, Act No. 347, § 5)~~

~~**Sec. 26. — Same — Effective date.**~~

~~Sections 1 and 2 of number 347 of the Special Acts of 1957 shall become effective as of the date on which an agreement is signed between the federal government and the State of Connecticut providing for social security coverage for city employees as described herein. The rest of said act shall be effective from date of passage. If, however, an agreement between the federal government and the state is not signed before January 1, 1959, this act shall then become void.~~

~~(Sp. Laws 1957, Act No. 347, § 6; Sp. Laws 1957, Act No. 5, § 2)~~

~~**Editor's note**— Section 1 of Act No. 347 specifically amended section 3, Chapter XVI (now XVII) of Act No. 30, Sp. Laws 1947 and may be located therein. Section 2 of Act No. 347 is numbered section 22 in this Appendix to Charter.~~

~~**Sec. 27. — Teachers' retirement — Election privileges of members of state teachers' retirement association.**~~

~~Any member of the state teachers' retirement association who elects to retire under the terms of the state teachers' retirement act, as amended, before attaining the age of sixty (60), but after completing at least thirty (30) years of service, and who is entitled to receive a retirement allowance from the City of Hartford, may elect to have a portion of the retirement allowance due from said city commuted and paid in one (1) sum. The pension commission of said city shall determine the amount of the lump sum payment so that it will be actuarially equivalent to the reduction in the retirement~~

~~allowance. The maximum portion of the retirement allowance payable by the city which may be commuted shall be an amount equal to the retirement annuity benefit payable by the state teachers' retirement system with respect to such member's contributions thereto.
(Sp. Laws 1955, Act No. 18)~~

~~**Sec. 28. – Same—Retirement credit for leaves of absence.**~~

~~Any period of a leave of absence, not exceeding one (1) year in length, granted to any professionally certified employee by the Hartford board of education for such purposes of professional growth as such term is defined by said board, shall count as active service within the meaning of number 327 of the special acts of 1943, as amended, provided monthly payments to the Hartford retirement system for city employees shall be made on the basis of the salary to which such professionally certified employee would have been entitled if engaged actively in teaching in order to receive teaching credit. Such credit shall be limited to a total of one (1) year within a five-year period. Any such employee who was granted such leave prior to the effective date of this act may receive credit for such leave for retirement purposes, provided he shall pay into the Hartford retirement system such amount as would equal the contributions he would have made to said system during such period if he had been actively teaching, provided such credit shall be limited to a period of one (1) year within a five-year period.~~

~~(Sp. Laws 1957, Act No. 157)~~

~~**Editor's note**— No. 327 is compiled as section 21 of this Appendix.~~

~~**Sec. 29. – Same—Retirement credit for service in armed forces.**~~

~~Any member of the teachers' retirement association who served or is serving in the armed forces, who, immediately prior to such service, was employed in the public schools of the City of Hartford or the City of New Haven and who reenters such employment in such city upon discharge from the armed forces, shall be credited for retirement purposes with the period of such service. The board of education of such city shall pay to the annuity fund the amounts due from such member for such period. If any such member dies prior to the effective date of his retirement, or prior to the date on which the coparticipant option becomes effective, as provided in Section 10-167 of the General Statutes, any amounts paid by the board of education of such city for the benefit of such member shall be used to finance death benefits to his survivors payable under Section 10-168 of the 1967 supplement to the General Statutes. Any board of education funds not used in the financing of survivorship benefits or retirement allowances shall be returned to the board of education of such city.~~

~~(Sp. Laws 1951, Act No. 279; Sp. Laws 1969, Act No. 147, § 1)~~

~~**Editor's note**— This Act No. 279 was ratified by the voters of the City of Hartford on November 6, 1951.~~

~~**Sec. 30. – Retirement credit for services in first world war.**~~

~~The time during which any person who was employed by the City of Hartford at the time of his entry into the armed forces in the first world war served in such armed forces shall be considered, for retirement purposes, as a part of his total length of service to said city.~~

~~(Sp. Laws 1945, Act No. 328)~~

~~**POLICE BENEFIT FUND**³⁵⁵~~

~~**Sec. 31. – Charter 1941, section 234, as amended.**~~

~~(a)~~

³⁵⁵ ~~**Editor's note**— Section 234 of the 1941 chapter revision was expressly validated and continued in force and effect for the persons participating in the fund provided for thereby, by section 1, Chapter XVII, Act No. 30, being the 1947 charter.~~

~~**Cross reference**— Retirement credit for policemen and firemen for service in armed forces, Appendix, § 16. Retirement credit for police and fire department employees during World War II, Appendix, § 17. Female employees in police and fire departments included in pension plans, Appendix, § 20.~~

~~There shall be in the City of Hartford a fund to be known as the police benefit fund, to consist of: (1) Such sums of money as shall be appropriated to said fund from the treasury of the said city by the court of common council thereof; (2) all property specially devised or given for the benefit of disabled policemen of said city and property given to the police department of said city on account of services rendered by said department; (3) all lost, abandoned, unclaimed or stolen money and all moneys arising from the sale of unclaimed, abandoned, lost or stolen property in charge of the board of police commissioners of said city, at any time available for that purpose by the laws of this state; (4) all rewards, fees, gifts, testimonials and emoluments that may be presented to any member of the police force of said city on account of special services, except such as said board of police commissioners may allow any member or members to retain, and (5) the fund now known as "The Police Benefit Fund."~~

~~(b)~~

~~The board of police commissioners of said city shall be a board of trustees of said fund, and the treasurer of the City of Hartford shall be the treasurer of said board. The president of the board of police commissioners shall be president of the board of trustees, and shall draw all orders upon such fund, which orders shall be countersigned by the secretary of said board of trustees, who shall be chosen by said trustees. The secretary shall keep a record of the proceedings of said board of trustees and all action taken by it in regard to said fund, and said board of trustees may direct the treasurer to invest any portion of said fund in any securities in which trust funds may be invested by the laws of the state or to deposit the same or any portion thereof in any of the savings banks of the state.~~

~~(c)~~

~~Said board of trustees shall report to the court of common council yearly the condition of said fund, with all the items of receipts and disbursements on account thereof. If the income of the police benefit fund shall be found at any time insufficient to meet the requirements upon it, the court of common council, upon the application of said board of trustees, shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of said fund shall be provided for by said court of common council in its annual appropriation for the police department.~~

~~(d)~~

~~In addition to the regular and supernumerary police force of the City of Hartford, there shall be an honorary grade known as the veteran reserve, to which the board of police commissioners of said city may transfer any member or employee of the police department who shall, through age or through physical disability incurred in the discharge of his or her duties, become permanently disqualified for the active duties of the police department, but such transfer may be revoked at any time if the disability shall be removed and the member or employee shall thereupon be returned to active duty in the police department. The pay of a member of the veteran reserve shall be one-half of the mean between the pay which such member received when transferred to the veteran reserve and the current rate of pay of a member or employee of the department of the same or corresponding grade, but the board of police commissioners may, in case of emergency, call upon any member of the veteran reserve for such temporary service as he or she may be fit to perform and during such service he or she shall receive pay equal to said mean between his or her pay at the date of transfer to veteran reserve and the current rate of pay of members or employees of the department of the same or corresponding grade.~~

~~(e)~~

~~Said board of police commissioners may permanently retire any member of the regular force or of the veteran who has become permanently disqualified from performing any duty, upon a certificate of a police surgeon or a committee of surgeons appointed by said board of police commissioners showing that such member is permanently disqualified for the performance of all police duty and that such disqualification is caused by the natural infirmities of old age or by some injury received, disease contracted or exposure endured while performing the duties of his service, without fault on his part. The rate of pay of any member of the force so retired shall be one-half the mean between such member's pay at the time of retirement and the current rate of pay of a member of the force of the same or corresponding grade.~~

(f)

~~Said board of police commissioners shall permanently retire any member or employee of the police department upon his or her written request, when such member or employee has performed twenty-five (25) years of service in the department. Said period of twenty five (25) years shall include active supernumerary service, whether public or private, so long as such supernumerary work was actually performed in the line of duty as a policeman. Said board of police commissioners shall permanently retire any member or employee of the police department when such member or employee shall reach the age of sixty five (65) years or is of the age of sixty five (65) years or over. The pay of an employee, so retired, shall be at the rate of one half of such employee's pay at the time of retirement and the pay of any member of the force so retired shall be at the rate of one half of the mean between such employee's pay at the time of retirement and the current rate of pay of a member of the force of the same or a corresponding grade. Effective on July 1, 2003, the pay of any such employee who had been so retired prior to January 1, 1981, who had reached the rank of assistant chief or deputy chief, and were at such rank at the time of retirement, the pay of such an employee, so retired, shall be at the rate of one half of such employee's pay at the time of retirement and the pay of any member of the force so retired shall be at the rate of one-half of the mean between such employee's pay at the time of retirement and a combination of the minimum range of the current rate of pay of a member of the force of the same or a corresponding grade, together with an annual adjustment in such minimum range of the current rate of pay equal to any general wage increase called for in the collective bargaining agreement between the city and the Hartford Police Union in that particular year.~~

(g)

~~The foregoing subsection shall apply in favor of all persons who were members or employees of said police department on May 2, 1939, in the same manner as if the same had been in force and effect at the time of their appointment or employment.~~

(h)

~~The rate of pay provided for members of the veteran reserve and retired members of the force under the previous provisions of this act shall hereafter apply to all members of the force whether retired or transferred to the veteran reserve before or after May 1, 1929.~~

(i)

~~When any member of the police department, who shall have served as a regular member of such department, shall die, the widow of such member shall, subject to the provisions hereinafter contained, receive, until her death or remarriage, out of said police benefit fund, a monthly sum equal to one-fourth of the compensation received by such member at the time of his death, if in active service, or a monthly sum equal to one-half of the payments received by such member at the time of his death, if retired. If no widow shall survive him, or upon the death of his widow, if she shall survive him and shall not remarry, said board of police commissioners may, by the affirmative vote of the majority of its whole number, cause to be paid monthly to the legally appointed guardian of his child or children under the age of sixteen (16) years, for their use and benefit, a sum not exceeding in total the amount hereinbefore provided to be received by such widow and may, from time to time, apportion such sums between such children as it may deem best; provided, as each such child shall arrive at the age of sixteen (16) years, the payments to such child shall cease and the same may, from time to time, be stopped, or the amount thereof changed, by vote of a majority of the whole number of said commissioners with the approval of the mayor. No such payment or payments shall be allowed or paid to such widow or children so long as such widow or children shall receive, or be entitled to receive, compensation under the provisions of the compensation laws of this state. The term "widow" as used in this section shall be limited in its meaning to the surviving spouse of such member who shall have been married to him and living with him at the time of his death, if such member is an active member of said department, or who shall have been married to him prior to his retirement from said department and who shall be living with him as his wife at the time of his death. The term "child" or "children," as used in this section, shall be limited in its meaning to the child or children born to such member by his wife, to whom he was married at the time of his death, if an active member of said department, or to whom he was married prior to his retirement~~

~~from such department, if retired. Each active member of said department shall pay to the police benefit fund, and there shall be deducted from the monthly salary of each active member, a sum equal to one (1) percent of his monthly salary, and each retired member of said department shall pay to the police benefit fund, and there shall be deducted from his monthly salary or pension, a sum equal to one (1) percent of his salary or pension. Provided each person who is an active member of said department at the time of the effective date of this act, if he shall have so notified the treasurer of the police benefit fund in writing before September 15, 1943, may elect, and all persons entering the service of said department after the effective date of this act shall be required to pay to the police benefit fund, in addition to the payment of a sum equal to one (1) percent of his salary hereinbefore required, an additional payment of a sum equal to one and one-half (1½) percent of his salary, and thereafter shall be entitled to and shall receive upon retirement, under the provisions of this section, after more than twenty-five (25) years of service, additional pay equal to two (2) percent of the mean between such member's pay at the time of retirement and the current rate of pay of a member of the force of the same or corresponding grade multiplied by that figure by which the number of whole years of his service shall exceed twenty-five (25) years. Any member of the police department who did not elect to contribute to the police benefit fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the police benefit fund in writing on or before September 15, 1945, and he shall be entitled to all the benefits thereof; provided he shall pay into the police benefit fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the police department who notified the treasurer of the police benefit fund of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary after September 15, 1943, and has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified the treasurer of the police benefit fund before September 15, 1943.~~

~~Any member of the police department who did not elect to contribute to the police benefit fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the police benefit fund in writing on or before September 15, 1957; and he shall be entitled to all the benefits thereof, provided he shall pay into said fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the police department who notified said treasurer of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified said treasurer before September 15, 1943.~~

~~Any member of the police department who did not elect to contribute to the police benefit fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the police benefit fund in writing on or before September 15, 1970; and he shall be entitled to all the benefits thereof, provided he shall pay into said fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the police department who notified said treasurer of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified said treasurer before September 15, 1943. (Ord. No. 17-70, 5-11-70)~~

~~(j)~~

~~When a member of the police force, a retired member thereof or a member of the veteran reserve shall die leaving no widow or children as beneficiaries under the police benefit fund of the City of Hartford, payments under said fund shall be made by the police commissioners to any beneficiary previously designated by the deceased member. Such payments shall cease upon the marriage of such beneficiary, but otherwise shall continue for a period of ten (10) years.~~

~~(k)~~

~~The pay of all members of the veteran reserve and of all retired members of the police department, together with any payments authorized to be made under the provisions of the foregoing subsection, shall be a special charge upon the police benefit fund.~~

~~**Editor's note**— Section 235 of the 1941 Charter Revision was expressly validated and continued in force and effect for persons participating in the fund provided for thereby, by section 1, Chapter XVII, Act No. 30, being the 1947 charter.~~

~~**Cross reference**— Retirement credit for policemen and firemen for service in armed forces, Appendix, § 16. Retirement credit for police and fire department employees during World War II, Appendix, § 17. Female employees in police and fire departments included in pension plans, Appendix, § 20.~~

~~(l)~~

~~The provisions of Sections 553 and 554 of the General Statutes shall not apply to the City of Hartford.~~

~~(m)~~

~~All payments of compensation heretofore made or provided for from the police benefit fund are validated and continued in force.~~

~~(Sp. Laws 1941, Act No. 527, Ch. XXVII, § 234; Sp. Laws 1943, Act No. 215; Sp. Laws 1943, Act No. 327, § 2; Sp. Laws 1945, Act No. 309; Sp. Laws 1957, Act No. 478; Ord. No. 17-70, 5-11-70; Ord. No. 49-03, 10-14-03)~~

~~**Editor's note**— Sections 553 and 554 now codified as sections 7-28 and 7-26 respectively, of the 1958 Revision of the General Statutes. The "Provided..." clause in the first paragraph of (i) was added by Act No. 327, Special Laws of 1943.~~

~~**FIREMEN'S RELIEF FUND**~~

~~**Sec. 32. — Charter 1941, section 235, as amended.**~~

~~(a)~~

~~There shall be in the City of Hartford a firemen's relief fund which shall consist of moneys received from the following sources: All bequests or donations to the fire department from private or public sources for the purpose for which this fund is constituted; monthly assessments on the salaries or pay of members of the fire department, not exceeding one (1) percent per annum thereof, as the board of trustees of said relief fund shall, from time to time, determine; all fines imposed by the board of fire commissioners, from time to time, upon any member or members of the fire department by way of discipline; all moneys received from the sale of condemned, unfit or unserviceable property under the control of the board of fire commissioners, where the same does not exceed the sum of two hundred fifty dollars (\$250.00) in value for any one (1) article; all rewards, fees, gifts or emoluments that may be paid or given for extraordinary services rendered by an officer or member of the fire department, except when allowed to be retained by such officer or member by the board of fire commissioners; such sums of money as shall be appropriated to said relief fund from the treasury of the city by the court of common council thereof, and the fund now known as "The Firemen's Relief Fund."~~

~~(b)~~

~~Said relief fund shall be under the general charge of a board of trustees composed of three (3) fire commissioners, to be elected annually by the board of fire commissioners, the treasurer of the City of Hartford and three (3) firemen in the active service of the Hartford fire department who, at the time of their election, shall have had at least five (5) years' active service in the department, and who shall be elected, by a majority vote of the entire department, in the manner provided in subsection (c) of this section. The new members of the board of trustees shall take office on the first day of October in each year and shall continue in office until their successors shall be chosen and shall have qualified. Any vacancies occurring in said board shall be filled for the unexpired portion of the term by special election of the board of fire commissioners or of the fire department, as the case may be. The board of trustees shall, annually, within two (2) weeks after the first day of October, organize and choose from their own number a president and a secretary of the board to serve for the ensuing year. The treasurer of the City of Hartford shall, by virtue of his office, be the treasurer of said board. The board of trustees shall have discretionary power to make and change the~~

~~investments of said fund; they may make rules and regulations consistent with the provisions of this act, concerning the operation and management of said fund, the times and methods of election of members of the board of trustees and the form of application for relief, and may do all things necessary and proper towards carrying out the purposes of said fund. All orders drawn against said relief fund shall be signed by the president and countersigned by the secretary of said board.~~

~~(c)~~

~~An election for trustee or trustees of the firemen's relief fund from the fire department shall be held annually at such time and place and under such regulations as the board of trustees shall appoint, but not later than the month of September. At least ten (10) days' notice of such election shall be given. At the expiration of the term of each of the present trustees of the firemen's relief fund from the fire department his successor shall be elected to serve for a term of three (3) years. Special elections shall be held to fill vacancies in similar manner and upon like notice.~~

~~(d)~~

~~Said board of trustees shall report to the court of common council annually, not later than the month of February, the condition of said fund, with all the items of receipts and disbursements on account thereof. If the income of the firemen's relief fund shall be found at any time insufficient to meet the requirements upon it, the court of common council, upon the application of said board of trustees, shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of said fund shall be provided for the court of common council in its annual appropriations.~~

~~(e)~~

~~From this relief fund said board of trustees, by a majority vote, may appropriate and cause to be paid such sums and at such times as it may deem advisable, except as hereinafter provided, to the following named persons and for the following purposes: First. Any permanent member of said fire department who, upon such medical examination as the board of fire commissioners and said board of trustees may prescribe, shall be declared permanently disabled for the performance of ordinary duty, as the result of injury received or exposure endured in the performance of duty, shall be retired, but such retirement may be revoked at any time if the disability shall be removed, and such member shall thereupon be returned to active duty in the fire department on occasion of the first vacancy. The retirement compensation of any such member shall not exceed one-half the yearly compensation received by such member at the time of retirement, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade; Second. Any member of said fire department whose term of service shall have been one (1) year or more of continuous, permanent service, who shall have become incapacitated from sickness contracted or injuries received while not in the actual performance of duty, and who, upon such medical examination as the board of fire commissioners and said board of trustees may prescribe, shall be declared permanently disabled for the performance of ordinary duty, may be retired upon the request of the board of fire commissioners, and, when retired, said board of trustees may direct annual compensation upon the following basis: If the term of service of such retired member shall have been one (1) year of continuous, permanent service, such annual compensation shall not exceed two (2) percent of the yearly compensation received by such member at the time of retirement; if his term of service shall include more than one (1) year of continuous, permanent service, the board of trustees may increase the annual compensation by allowing an additional two (2) percent for each year of continuous, permanent service rendered beyond the first year, provided, if his term of service shall have been more than twenty-five (25) years of continuous, permanent service, such annual compensation shall not exceed fifty (50) percent of his yearly compensation at the time of retirement; such members retired for nonservice-connected disability shall receive a percentage increase, in the event of any salary increases granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade. Such increase shall be equal to the percentage with which they were retired but in no event shall any such increase exceed twenty-five (25) percent; Third. Any permanent member of said department whose term of service shall include both call service and permanent service and who shall be retired after twenty-five (25) years' continuous service, shall, when retired, receive one-half the yearly compensation received by such member at~~

~~the time of retirement, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade. Each person who is an active member of said department at the time of the effective date of this act, if he shall have so notified the treasurer of the firemen's relief fund in writing before September 15, 1943, may elect, and all persons entering the service of said department after the effective date of this act shall be required, to pay to the firemen's relief fund, in lieu of the monthly assessment provided for in subsection (a) of this section, a sum equal to two and one-half (2½) percent of his salary, and thereafter shall be entitled to and shall receive upon retirement, under the provisions of this section, after more than twenty-five (25) years of service additional pay equal to two (2) percent of the yearly compensation received by such member at the time of retirement, multiplied by that figure by which the number of whole years of service shall exceed twenty-five (25) years, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade.~~

~~Any member of the fire department who did not elect to contribute to the firemen's relief fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the firemen's relief fund in writing on or before September 20, 1963; and he shall be entitled to all the benefits thereof, provided he shall pay into the firemen's relief fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the fire department who notified the treasurer of the firemen's relief fund of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all of the benefits he would be entitled to in the same manner as though he had notified the treasurer of the firemen's relief fund before September 15, 1943.~~

~~Any member of the fire department who did not elect to contribute to the firemen's relief fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the firemen's relief fund in writing on or before September 15, 1970; and he shall be entitled to all the benefits thereof, provided he shall pay into the firemen's relief fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the fire department who notified the treasurer of the firemen's relief fund of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified the treasurer of the firemen's relief fund before September 15, 1943. (Ord. No. 16-70, 5-11-70)~~

~~(f)~~

~~The board of fire commissioners shall permanently retire any member of the fire department, upon written request of such member, when such member shall have performed twenty-five (25) years of service in the department. Said period of twenty-five (25) years shall include substitute fireman service if such substitute work is actually performed in the line of duty as a fireman. Said board of fire commissioners shall permanently retire any member of the fire department when such member shall reach the age of sixty-five (65) years or is of the age of sixty-five (65) years or over. The pay of any member of the department upon such retirement by said board of fire commissioners shall be from said relief fund, not to exceed one-half the yearly compensation received by such member at the time of retirement, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade. In the event of the death of a retired member, his widow, while unmarried, shall receive not more than one-half of the yearly compensation received by such member at the time of his death. If any member shall marry after being retired and placed on the relief fund, neither his widow nor his children by such marriage shall, upon his death, participate in, or be entitled to any of the benefits accruing from said relief fund. The foregoing provisions of this subsection shall apply in favor of all persons who were members of said fire department on May 2, 1939, in the same manner as if the same had been in full force and effect at the time of their appointment.~~

(g)

~~When any member of said fire department shall have been killed in the performance of duty or shall have died from the effects of injuries received or exposure endured in the performance of duty, said board of trustees shall, upon the request of the board of fire commissioners, direct annual compensation to be paid to his widow or other dependents hereinafter designated, not exceeding one-half the yearly compensation received by such member at the time he was killed or when such injuries resulting in his death were received. Such annual compensation shall be paid from said relief fund to the widow of the deceased member; if he shall leave no widow, to his child or children under the age of sixteen (16) years, or over said age but physically or mentally incapacitated from earning a livelihood. If such deceased member shall leave no widow, or children under sixteen (16) years of age, or over said age but physically or mentally incapacitated from earning a livelihood, then such annual compensation shall be paid to such dependent father, mother, sister or other dependents as he may leave. Such annual compensation shall be payable in installments and for such periods as said board of trustees shall direct, provided such payments to his widow shall cease if she shall remarry and payments for each child shall cease as such child shall attain the age of sixteen (16) years, except a child physically or mentally incapacitated from earning a livelihood, in which case such payments shall cease when such incapacity shall be removed; and payments to any other dependents shall cease if such dependent shall marry. When a member of said fire department, whose term of service shall have been one (1) or more years of continuous, permanent service, shall have died from sickness contracted or injuries received while not in the actual performance of duties, said board of trustees shall, upon request of the board of fire commissioners, direct annual compensation to be paid to his widow or other dependents hereinafter designated upon the following basis: If the term of service of such member of the department at the time of his death shall include one (1) year of continuous, permanent service, such annual compensation shall not exceed one (1) percent of the yearly compensation received by such member at the time of his death; if such term of service shall include more than one (1) year of continuous, permanent service, such annual compensation may be increased by allowing an additional one (1) percent for each year of continuous, permanent service rendered beyond one (1) year, provided, if his term of service shall have been more than twenty five (25) years of continuous, permanent service, such annual compensation shall not exceed twenty five (25) percent of his annual compensation. Such annual compensation shall be paid from said relief fund to the widow of the deceased member, or to or for his other dependents in the same manner and under the same limitations as hereinbefore in this section provided in the case of compensation to the widow or other dependents of the member of said fire department who shall have been killed while in the performance of duty or shall have died from the effects of injuries received in the performance of duty.~~

~~When any member of said department leaves a widow entitled to benefits, upon the death of said widow the children of the member of said department under sixteen (16) years of age, or over said age but physically or mentally incapacitated from earning a livelihood, shall be entitled to compensation from the date of the death of such widow in the same manner and under the same limitations as if such widow had predeceased such member. Persons entitled to benefits from the firemen's relief fund at the time of the passage of this act shall be entitled to the same benefits as if this act had been in force at the time of the death of the widow of such member of the department.~~

(h)

~~Substitute members of the fire department may receive benefits under this act subject to such regulations as the board of trustees of the relief fund may prescribe. Any such substitute member, detailed for permanent duty or special duty, who, upon such medical examination as the board of fire commissioners and said board of trustees may prescribe, shall be declared permanently disabled for the performance of ordinary duty, as the result of injury received or exposure endured in the performance of duty, may be retired on not more than one-half the mean between the yearly compensation received by a permanent member for the first year of service in the fire department at the time such substitute member is declared to be permanently disabled and the current yearly compensation of a permanent member of the department for the first year of service. Such retirement~~

~~may be revoked at any time if the disability shall be removed, and said substitute shall thereupon be restored to the substitute roll.~~

~~(i)~~

~~The compensation from the relief fund for members of the department and their dependents under the previous subsections of this section shall apply in determining the amounts of such compensation to be paid hereafter, irrespective of when the right to receive compensation from said relief fund accrued in the first instance.~~

~~(j)~~

~~The secretary of the board of trustees shall record all proceedings and votes taken by said board in reference to said fund and payments therefrom, stating the name and vote of each member of said board of trustees upon any matter relating thereto.~~

~~(k)~~

~~Any member of the fire department who shall neglect or refuse to pay whatever assessments may be laid by said board of trustees shall not be entitled to any benefits from said fund.~~

~~(l)~~

~~The board of trustees shall have power to make all rules and regulations necessary to carry the foregoing provisions into effect.~~

~~(m)~~

~~The term "member of the fire department" as used in this section shall be construed to include all regular male employees of the fire department of the City of Hartford who are under the jurisdiction of the board of fire commissioners of said city.~~

~~(n)~~

~~All payments of compensation heretofore made or provided for from the firemen's relief fund are validated and continued in force.~~

~~(Sp. Laws 1941, Act No. 527, Ch XXVII, § 235; Sp. Laws 1943, Act No. 327, § 3; Sp. Laws 1943, Act No. 358; Sp. Laws 1943, Act No. 177; Sp. Laws 1945, Act No. 308; Sp. Laws 1957, Act No. 477)~~

~~FLOOD CONTROL GREATER HARTFORD FLOOD COMMISSION~~

~~Sec. 33. -- Grant of authority.~~

~~The City of Hartford shall have power to act for the elimination, prevention and control of flooding and flood damage in the territory drained by the Park River and its tributaries, and the territory adjacent thereto, and for the protection and improvement of areas within such territory heretofore or hereafter affected by such damage. All such power shall be exercised in the name and on behalf of the city by or under authority of the flood control commission created by section 3 [section 35 of this Appendix] of this act.~~

~~(Sp. Laws 1955, Act No. 72, § 1; Sp. Laws 1957, Act No. 292, § 1)~~

~~**Cross reference**— Authority of city to construct flood protection works in, over and upon Broad Street armory grounds, Appendix, § 53.~~

~~Sec. 34. -- Transfer of powers and duties.~~

~~The powers and duties conferred upon the Hartford Flood Commission by section 236 of number 547 of the Special Acts of 1941, as amended, are transferred to the flood control commission created pursuant to section 3 [section 35 of this Appendix] of this act and shall be exercised and performed by it or under its authority, in the manner and according to the procedures prescribed in this act.~~

~~(Sp. Laws 1955, Act No. 72, § 2)~~

~~**Note**— See section 52 of this Appendix.~~

~~Sec. 35. -- Creation of commission; membership.~~

~~There is created a flood control commission consisting of seven (7) members, to be known as the Greater Hartford Flood Commission. Such members shall be appointed by the governor, four (4) from among the electors residing in Hartford and one (1) each from the towns of Bloomfield, Newington and West Hartford. Vacancies in the commission shall be filled by appointment by the governor from the electors of such city or towns.~~

~~(Sp. Laws 1955, Act No. 72, § 3; Sp. Laws 1957, Act No. 292, § 2)~~

Sec. 36. – Chairman; secretary; meetings; records; compensation; expenses.

The flood control commission shall elect a chairman from among its members and a secretary, who may but need not be a member, and shall meet at such intervals as it may from time to time consider necessary for the discharge of its duties. Special meetings of the commission may be held at any time at the call of the flood control director appointed under the provisions of section 5 [section 37 of this Appendix] of this act or of the chairman of the commission, or in such other manner as may be provided by vote of the commission. A record of all meetings of the commission shall be kept by the secretary. The members shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

(Sp. Laws 1955, Act No. 72, § 4)

Sec. 37. – Flood control director.

There is created the office of flood control director, which shall be held by a licensed civil engineer who shall be appointed by the flood control commission solely on the basis of his actual experience in and knowledge of flood control matters. The director shall serve at the pleasure of the flood control commission and shall perform such tasks and duties as in its judgment may thus be appropriately discharged. The director shall report to the commission on all action taken by him under this act and shall provide the commission with other information which it may request to carry out its duties. ~~All pension rights and other employment benefits accruing to any officer or employee of the City of Hartford who is appointed or transferred to perform duties under this act shall continue to vest and accrue during the period of such appointment or transfer. Any other employee employed to perform such duties shall be entitled during the period of such employment to all such rights and benefits as the city may grant its own regular employees.~~

(Sp. Laws 1955, Act No. 72, § 5; Sp. Laws 1957, Act No. 292, § 3)

Sec. 38. – Personnel; assigning duties to city departments; corporate duties and obligations; bids on certain contracts; auditor of accounts.

The flood control commission may employ personnel and fix salaries in accordance with such rules and regulations as it may adopt, and may also assign, subject to the approval of the city manager, to the department of public works and the department of engineering of the City of Hartford, to be carried out under its supervision, such tasks and duties as in its judgment may thus be appropriately discharged. In furtherance of the purposes of this act it may engage engineers, counsel and other professional advisers and specialists, may sue and be sued in the name of the city and may, in the name and on behalf of the city, enter into contracts, including contracts with the United States of America, this state, and any other city, town or other political subdivision of this state, for the purchase of materials, supplies and equipment, for the performance of any construction or other work and for any other purposes under this act. Whenever any work shall be necessary to execute or perfect any public work or improvement, or whenever any supplies for the flood commission shall be needed for any particular purpose and such work or supplies shall involve the expenditure of more than ten thousand dollars (\$10,000.00), except in the case of an emergency to be determined by the flood control commission, a written contract for such work or supplies shall be made under such regulations as the commission may establish, which contract, except contracts with the United States, this state, or any city, town or other political subdivision of the state, shall be based on competitive sealed bids made in compliance with public notice, duly advertised by publication, in a daily newspaper of general circulation in the County of Hartford, at least five (5) days before the time fixed for opening such bids or proposals. The director of finance of the City of Hartford shall annually inspect and audit the accounts and records of financial transactions maintained by the commission.

(Sp. Laws 1955, Act No. 72, § 6; Sp. Laws 1957, Act No. 292, § 4)

Sec. 39. – General powers and duties.

For fulfillment of the purposes of this act the flood control commission, or the flood control director with the approval of the flood control commission, may in the name and on behalf of the city (a) provide for, construct or arrange for the construction of, supervise, operate, maintain and dispose

~~of dikes, flood control reservoirs, storm sewers and storm sewer systems, walls, embankments, conduits, bridges, highways, roads, sidewalks, pumping and flood control stations and other works, structures and appurtenances; (b) close or relocate any town or city street, road or passway at any time affected or threatened by flood damage; (c) establish and alter stream lines with respect to lands found to have been so affected or threatened; (d) construct artificial channels or improve natural channels within such stream lines; (e) determine the manner in which and extent, if any, to which any land may be filled or any structures or improvements erected, maintained or retained within such stream lines; (f) purchase, take or otherwise acquire lands and interests therein found to have been so affected or threatened or to be otherwise necessary to provide water storage, to preserve the same or to carry out any work or project authorized by this act; (g) maintain, improve, arrange for the maintenance and improvement of, lease, sell or otherwise dispose of such land and interests therein; and (h) make such regulations as appear advisable. In the carrying out of any work the flood control commission may use such parts of any park or other public area as may be necessary. All real and personal estate acquired, held or used by said commission for purposes of this act shall be exempt from taxation.~~

~~(Sp. Laws 1955, Act No. 72, § 7; Sp. Laws 1959, Act No. 389)~~

Sec. 40. - Petition for taking of property.

~~(1) In any case of the taking of private property for any of the purposes of this act, if the flood control commission and the owner or owners of such property cannot agree upon the amount to be paid for such property, then the flood control commission shall, in the name and on behalf of the City of Hartford, prefer its petition for the taking of such property under Section 7181 of the General Statutes to the Superior Court for Hartford County. If in any such proceedings it shall at any time be alleged that the public interest will be prejudiced by delay in permitting the plaintiff to enter immediately upon and take possession of such property, the hearing and determination of such issue shall take precedence over all other matters to the same extent as actions brought by or on behalf of the state.~~

~~(Sp. Laws 1955, Act No. 72, § 8)~~

~~Editor's note - Section 7181 now codified as section 48-12 Revision of 1958, General Statutes.~~

Sec. 41. - Notice of assessments.

~~Notice of intention to proceed under this act with any work or improvement, for part or all of the cost of which benefits are to be assessed by the city, shall be mailed by the city clerk by registered or certified mail to the owner or owners of the lands to be assessed for benefits, at the address of such owner or owners appearing on the assessment records of the city or town where such lands are located, and shall be published by the city clerk in one daily newspaper of general circulation in the County of Hartford. Each such notice shall include a general description of the lands to be assessed for benefits and an estimate of the cost of such work or improvement. Thirty (30) days having expired after the mailing and publication of such notice, the flood control commission may proceed with the actual layout and construction of such work or improvement without regard to subsequent proceedings concerning the assessment of benefits and damages.~~

~~(Sp. Laws 1955, Act No. 72, § 9)~~

Sec. 42. - Notice to establish or alter stream.

~~Notice of intention to establish or alter any stream line under this act shall be mailed by the city clerk by registered or certified mail to the owner or owners of the lands wholly or partly included within such stream line, at the address of such owner or owners appearing on the assessment records of the city or town where such lands are located, and shall be published by the city clerk in one (1) daily newspaper of general circulation in the County of Hartford. Each such notice shall include a general description of the lands wholly or partly included in such stream line. Thirty (30) days having expired after the mailing and publication of such notice, the flood control commission may proceed with the establishment or alteration of such stream line without regard to subsequent proceedings concerning the assessment of benefits and damages.~~

(Sp. Laws 1955, Act No. 72, § 10)

Sec. 43. – Proceedings for assessments, etc.

~~Proceedings for assessment of benefits and damages under this act, for publication and notice thereof and appeals therefrom, and for the establishment and continuance of liens upon lands against which benefits are assessed shall be the same as are provided in the case of benefits and damages assessed by the director of public works under sections 3 and 4 of Chapter XI of Number 30 of the Special Acts of 1947, as amended, except that the powers and duties there conferred upon the director of public works shall under this act be exercised and performed by the flood control commission, or by the flood control director with the approval of the flood control commission.~~

(Sp. Laws 1955, Act No. 72, § 11)

Sec. 44. – Budget appropriation by city.

~~The court of common council of the City of Hartford is authorized to appropriate as a part of the budget of the city, upon the recommendation of the flood control commission, such sums as in the judgment of the council may be necessary or advisable for the operation of the flood control commission and the administration of this act. All unexpended funds heretofore made available to the Hartford Flood Commission may be applied for the purposes of this act in such manner as the flood control commission, either by regulation or otherwise, may determine.~~

(Sp. Laws 1955, Act No. 72, § 12)

Sec. 45. – Debt limitation.

~~To meet the cost of any public improvements duly recommended by the flood control commission, the City of Hartford shall have power, without regard to any limitation imposed by the General Statutes or any special act respecting the amount, dating, interest or maturity of any debt and without approval by the voters of the city, to authorize and issue from time to time in its discretion not in excess of twenty million dollars (\$20,000,000.00) aggregate principal amount of bonds, notes or other certificates of debt, in accordance with the provisions of the Charter of the city concerning the authorization and issuance of bonds, except as such provisions are made inapplicable by this act. Such bonds, notes or other certificates of debt shall not be included in computing the aggregate indebtedness of the city in respect to any limitation upon the indebtedness of the city.~~

(Sp. Laws 1955, Act No. 72, § 13; Sp. Laws 1957, Act No. 292, § 5; Sp. Laws 1959, Act No. 205)

Sec. 46. – Contracts with other cities and towns.

~~The flood control commission, in the name and on behalf of the City of Hartford, may, if it deems it advisable for the fulfillment of the purposes of this act, enter into contracts with any other city, town or other political subdivision lying wholly or partly within the territory drained by the Park River and its tributaries, and the territory adjacent thereto, for the exercise and performance by such other city, town or subdivision within its corporate limits of such of the powers and duties conferred by this act upon the City of Hartford and the flood control commission as such contracts may respectively provide. Except as may be otherwise limited in any such contract, such other city, town or subdivision shall have and enjoy with respect to any such contract, and in aid thereof, all such powers herein conferred upon the City of Hartford and the flood control commission as may be necessary or appropriate for the performance thereof, and such powers shall be exercised in the name and behalf of such other town, city or subdivision and not in the name and behalf of the City of Hartford or the flood control commission. Without limiting the generality of the foregoing, such powers shall include power to assess benefits and damages, to make appropriations for the whole or any part of the costs to be incurred under any such contracts and power to issue bonds, notes or other certificates of debt from time to time, without regard to any limitation imposed by the General Statutes or any special act respecting the amount, dating, interest or maturity of any debt, to meet the cost of any public improvement carried out or to be carried out under any such contracts; but the making of such appropriations and the issuance of such bonds, notes or other certificates of debt shall be in accordance with the provisions of the Charter of such other city, town or subdivision, except as such provisions are made inapplicable by this act.~~

(Sp. Laws 1955, Act No. 72, § 14; Sp. Laws 1957, Act No. 292, § 6)

Sec. 47. - Grant of authority to cities and towns lying within drainage of Park River.

~~Subject to the limitations which ensue from the powers granted by this act, each city, town and municipal district lying wholly or in part within the territory drained by the Park River and its tributaries shall have all the powers relating to the layout, making and establishing of dikes to prevent the inundation of said territory or any part thereof and relating to the protection thereof from flooding and flood damage and the raising or filling of low grounds, swamps and stagnant areas and the construction of necessary drainage-regulating devices, including pumping stations and equipment, drainage ditches, wells and storage basins, which said cities, towns and municipal districts respectively have or would have had if this act had not been adopted.~~

~~(Sp. Laws 1955, Act No. 72, § 15)~~

Sec. 48. - Delegation of powers to flood control commission by city.

~~The court of common council of the City of Hartford may, by ordinance approved by the affirmative votes of at least six (6) of the members, delegate to the flood control commission any powers held or which may be held by any commission, department, office or agency of said city.~~

~~(Sp. Laws 1955, Act No. 72, § 16)~~

Sec. 49. - Annual reports.

~~(1) — At the second meeting of the court of common council to be held in January of each year, and at the next regular meeting of the respective governing bodies of the towns of West Hartford, Bloomfield and Newington, the flood control commission shall file a report of its activities for the preceding year. All such reports shall be kept as public records and open to public inspection.~~

~~(Sp. Laws 1955, Act No. 72, § 17)~~

Sec. 50. - Powers subject to approval by cities and towns.

~~Anything in this act to the contrary notwithstanding, no powers under this act may be exercised by the flood control commission without the approval of the legislative body of the town within the territorial limits of which the commission proposed to exercise such power.~~

~~(Sp. Laws 1955, Act No. 72, § 18)~~

Sec. 51. - Amendments.

~~(1) — This act shall not be subject to amendment in the manner provided by section 3 of Chapter XX [Chapter XXII] of Number 30 of the Special Acts of 1947.~~

~~(Sp. Laws 1955, Act No. 72, § 19)~~

~~Editor's note — Act No. 641 of the Special Laws of 1957 renumbered Chapter XX as XXI.~~

Chapter XXVIII (Charter 1941)

SPECIAL COMMISSIONS

Sec. 52. - Charter 1941, section 236, as amended³⁵⁶.

³⁵⁶ (Sp. Laws 1941, Act No. 527, Ch. XXVIII, § 236; Sp. Laws 1943, Act No. 80)

~~Editor's note — Section 236 of the 1941 Charter Revision was continued in force and effect by section 5, Charter XVIII, Act No. 30, Sp. Laws 1947. Said section 5 was repealed by Act No. 106, Sp. Laws 1959. However, old section 236 is retained herein for its historical interest. The duties prescribed herein are transferred to the commission created by Sp. Laws 1955, Act No. 72, and Sp. Laws 1957, Act No. 292 (§ 35, this Appendix). See § 34, this Appendix.~~

~~Cross reference — Powers and duties of the flood commission transferred to the flood control commission for the Greater Hartford area, Appendix, § 34.~~

~~**Sec. 236. The flood commission.**~~

~~**(a) Organizations, expenses, officers, vacancies, powers.** There shall be in the City of Hartford a commission charged with the investigation of problems resulting from the flooding of the Connecticut or Park River or connected with the improvement of areas heretofore affected by the flooding of said rivers and with the preparation of plans for the layout or construction of dikes, walls, embankments, highways, bridges, pumping stations or other public works or improvements for the prevention of floods or for the general improvement of said areas. Said commission shall be known as the "Flood Commission" and shall have twelve (12) members. The commissioners shall serve without compensation, but they shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. As first constituted, the members shall be the mayor, ex officio, and the eleven (11) members appointed by the mayor to the flood investigation and improvement commission created by resolution of the court of common council, adopted April 13, 1936. When a vacancy shall occur in said commission by death, resignation, refusal to serve or other cause, such vacancy shall be filled by appointment by the mayor in accordance with the provisions of the Charter relating to the appointment of commissioners. Said commission may select from among its members a chairman, a vice chairman, and a secretary and it may employ such other officers, agents, consulting engineers, committees, assistants and employees, permanent and temporary, as it may require, and shall determine their qualifications and duties. Such officers, agents, consultants, committees, assistants and employees shall be paid for their services such sums as may be fixed by the commission and appropriated by the court of common council. The department of engineering of the City of Hartford shall make all surveys, maps, plans, drawings, specifications and estimates requested by the flood commission, in accordance with the Charter of the City of Hartford.~~

~~**(b) Dikes and drainage works, subject to commission approval; additional approval of controlling boards.** Said city is authorized to dike the west bank of the Connecticut River and the banks of the Park River; to provide for flood control reservoirs on the Park River; to provide for the control of said rivers in flood season either by walls, dikes, embankments or conduits or by pumping and, in order to accomplish said purposes, said city may construct or arrange for the construction of public works in the nature of dikes, embankments, walls, reservoirs, pumping stations or drainage works or otherwise in the city itself or in any of the towns adjoining said city, and may acquire such land, easements or appurtenances as may be necessary therefor. The proceedings under any resolution for the construction of any such dike or other public work authorized by this act or to carry out any of the purposes of this act shall be as provided in an act in relation to appraisals and assessments in the City of Hartford, approved March 19, 1877, as amended by acts approved May 7, 1917, and June 2, 1921, provided no such public work authorized by this act shall be commenced or substantially altered without the recommendation and approval of said flood commission. In the carrying out of such work, said city may use such parts of Bushnell, Riverside, Colt or Pope Park, or other park areas or lands controlled by other city boards or commissions as may be necessary, subject to the approval of the board of park~~

~~commissioners or the board or commission controlling such land. Without limiting the generality of the foregoing, the city is specifically authorized to take and hold in fee simple that portion of Colt Park bounded northerly by land formerly of Colt's Patent Fire Arms Manufacturing Company, easterly by the Connecticut River, southerly by other land of said city, and westerly in part by Van Dyke Avenue and in part by land of the trustees of the property of The New York, New Haven and Hartford Railroad Company, and to grant to the State of Connecticut, its successors and assigns, a perpetual right-of-way for highway purposes across said land and to grant to the trustees of the property of The New York, New Haven and Hartford Railroad Company, their successors and assigns, a perpetual easement to construct, operate and maintain a railroad, railroad tracks or other structures necessary or useful in the service of transportation over and upon said land.~~

~~**(c) Benefits and damages; appeals.** All appeals taken from any appraisal of damages or assessments of benefits made by the board of street commissioners of the City of Hartford under the provisions of this act shall be to the superior court for Hartford County or to a judge of said court. As many of the parties interested as may choose to do so may join in such appeal and, when separate appeals shall be taken by different parties from one (1) assessment and appraisal, all such appeals shall be heard and tried as one (1) cause. Appeals may be taken from the assessment of benefits only, but, if taken from the appraisal of damages, shall be from such appraisal and also from the assessment of benefits made at the same time and for the same public work. Such appeals shall be taken within ten (10) days after public notice shall be given of such appraisal or assessment and shall be by suitable petition in writing, setting forth the whole of such assessment or appraisal and assessment appealed from, and asking for a reappraisal and reassessment or for a reassessment alone, with a citation attached thereto, signed by any authority authorized to sign writs, and returnable before said superior court for Hartford County or before a judge of said court, at two o'clock in the afternoon on the day three (3) weeks subsequent to the day on which public notice of such appraisal shall have been given, and such citation shall be served upon the clerk of said city at least six (6) days before the return day thereof. Such appeals may be heard by a judge of the superior court, but shall, upon the motion of any party thereto or persons interested therein, be referred to a committee or referee for hearing. If, upon the hearing of any appeal, the court, judge, committee or referee shall find cause to alter such appraisal and assessment, or assessment of benefits alone, then said court or such judge, committee or referee shall proceed to reapportion the whole amount of the damages and benefits or benefits alone upon the persons or lands specially benefited. If the court, judge, committee or referee hearing such appeal shall be of the opinion that persons other than those who appear upon the record are interested in the subject matter of such appeal, said court or such judge, committee or referee shall cause the appellants to give notice of the pendency of the proceedings to such other persons, which notice shall be by publication in one (1) or more newspapers published in said city for such time and in such form as said court or such judge, committee or referee shall direct. Such judge, committee or referee shall have, for the purpose of disposing of such appeal, all the powers of the superior court and may render judgment thereon and may tax costs in favor of either party and issue execution for such costs, to be taxed~~

~~as upon civil process in the superior court. Said court or judge, committee or referee shall, when the proceedings in any case arising under this act shall have been closed, return all the papers connected with the case to the clerk of said city, to be by him kept on file.~~

~~**(d) Appropriations.** For the carrying out of such public works as recommended by the flood commission, the court of common council is authorized to appropriate, without reference to or approval by the voters at a city meeting, such sums, not to exceed five million dollars (\$5,000,000.00) in the aggregate, as in its judgment may be necessary or advisable to carry out the aforesaid public purposes.~~

~~**(e) Bonds for payment of improvements.** The City of Hartford shall have power to issue bonds, notes or other certificates of debt, from time to time, in its discretion, in accordance with the provisions of the Charter of said city concerning the issuing of bonds, to meet the cost of any public improvement duly recommended by the flood commission and authorized by the court of common council.~~

~~**(f) Appeal from resolution to take property.** After the adoption by the flood commission of a resolution declaring that the acquisition of any real property described therein is necessary for the purposes authorized by this act, any person aggrieved by such resolution may appeal to the superior court for Hartford County or to a judge of said court, in accordance with the provisions relating to appeals from appraisals and assessments set forth in section three of this act.~~

~~**(g) Reservation of powers not expressly delegated.** The City of Hartford, the court of common council and the board of street commissioners of said city, subject to the limitations which ensue from the powers granted by this act to the flood commission, shall have all the powers relating to the layout, making and establishing of dikes to prevent the waters of the Connecticut River or the Park River from inundating or overflowing said city, or any part thereof, and relating to the protection of the north and south meadows or the raising or filling of low grounds, swamps or stagnant pools thereon, which said city, said court of common council or said board of street commissioners have or would have had under the various provisions of the Charter of said city if this act had not been adopted. Said city, said council and said board of street commissioners, subject to the limitations which ensue from the powers granted by this act to the flood commission, shall also have all the powers relating to the construction of necessary drainage-regulating devices, including pumping stations and equipment, drainage ditches, wells and storage basins.~~

~~**(h) Rights and powers.** The flood commission shall have all the powers necessary or convenient to carry out the provisions and purposes of this act, including the power to enter into agreements and contracts with the United States of America, this state, The Metropolitan District having its territorial limits within the County of Hartford, and any other municipality of this state, in behalf of the City of Hartford; to sue and be sued and in the name of the City of Hartford; to make and execute contracts and other instruments in behalf of the City of Hartford and necessary or convenient to the~~

~~exercise of the powers conveyed by this act; to sell, lease or use land taken for flood protection or stream-regulating purposes; to make and, from time to time, amend or repeal bylaws, rules and regulations not inconsistent with this act, to carry into effect the powers and purposes conveyed by this act.~~

~~(i) **Delegation of powers.** The court of common council of the City of Hartford may delegate to the flood commission any powers held or which may be held by any other commission, board or department of the City of Hartford.~~

~~(j) **Notice and publication of benefits; commencement and duration of liens.** Upon the final layout or completion of the construction of any public work or improvement authorized by this act, the board of street commissioners shall give notice thereof that such benefits are due and payable, by publication twice in two (2) daily newspapers published in the City of Hartford, and all benefits assessed therefor shall be immediately due and payable. If the actual cost of the construction of any public work or improvement shall be less than the sum estimated by the board of street commissioners and assessed upon the parties benefited, each of the parties so assessed shall be entitled to a proportionate deduction from his assessment. Such benefits shall be a lien upon the land on account of which they were assessed, which lien shall commence and attach to such land from the time of the passage by the court of common council of the vote laying out or ordering the construction of such work or improvement; provided the same shall not remain a lien thereon for a longer period than three (3) months from the date of the last publication of the notice of the final layout or completion of such work or improvement, and provided the benefits assessed therefor are due and payable, unless the board of street commissioners shall, within that time, lodge with the town clerk of the Town of Hartford for record, a certificate, signed by the clerk of said board, describing the premises, the amount assessed and the public work or improvement for which it was assessed.~~

~~(k) **Supervision of authorized work.** After the layout of any public work authorized by this act, construction and maintenance of such public work shall be under the direction of the flood commission, unless the Charter of the City of Hartford shall otherwise provide, or unless, upon the recommendation of the flood commission, the court of common council shall otherwise direct.~~

~~(l) **Reports and recommendations.** At the second meeting of the court of common council to be held in January of each year, the flood commission shall file with the court of common council a report of its activities for the preceding year, and shall make such recommendations as it may deem necessary or advisable to carry out the purposes of this act. All such reports and recommendations shall be kept as public records and open to public inspection.~~

~~(m) **Sections of this act to be interpreted separately.** If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the act and the application of such provision to persons or~~

~~circumstances other than those as to which it shall have been held invalid shall not be affected thereby.~~

~~**Sec. 53. -- Flood protective works on Broad Street armory grounds³⁵⁷.**~~

~~The State of Connecticut hereby gives to the City of Hartford the right to construct and maintain flood protective works in, over and upon the Broad Street armory grounds lying westerly of the Park River in Hartford.~~

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³⁵⁷~~Sp. Laws 1945, Act No. 214~~