

CHAPTER C

CHARTER

OF THE

CITY OF MIDDLETOWN

Charter Revision Commission 2020-2021

CHARTER OF THE CITY OF MIDDLETOWN

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CHAPTER I: INCORPORATION AND GENERAL POWERS

SECTION 1. INCORPORATION

All the inhabitants dwelling within the territorial limits of the City of Middletown, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The City of Middletown," hereinafter called "the City," and, as such, shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said City and not inconsistent with the provisions of this Charter and the additional powers and privileges conferred upon cities under the General Laws of the State of Connecticut.

SECTION 2. RIGHTS AND OBLIGATIONS

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said City as of the effective date of this Charter are continued in said City and said City shall continue to be liable for all debts and obligations of every kind for which said City shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said City to collect any assessment, charge, debt or obligation. If any contract has been entered into by said City prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said City which contains provisions that the same may be enforced by any Commission, Board, Department or Officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such Commission, Board, Department or Officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said City.

SECTION 3. GENERAL GRANT OF POWERS

In addition to all powers granted to cities under the Constitution and General Statutes, the City shall have all powers specifically granted by this Charter and 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, including the power to enter into contracts with the United States or any Federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. 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 an addition thereto.

SECTION 4. ASSESSMENT OF BENEFITS, AWARD OF DAMAGES

The City of Middletown may by resolution of its Common Council assess benefits against any property benefited by any public work or improvement and may award damages to any owner of property damaged by, or taken for, any such public work or improvement, and shall have a lien against the property so benefited for the fair share of the cost of such public work or improvement as the Common Council may determine and the owner of such properties shall have such rights and the City such power and authority with respect to such assessments and awards as are provided in the General Statutes.

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CHAPTER II: OFFICERS AND ELECTIONS

SECTION 1. STATE AND FEDERAL OFFICERS [Amended 11-4-2014]

Nomination and election of State and Federal Officers, State Senators and Representatives, Judge of Probate, two Registrars of Voters and Sheriff, shall be conducted and the Registrars of Voters shall prepare lists of electors qualified to vote, therefore, in the manner prescribed by the Constitution and the General and Special Laws of this State applicable to the City of Middletown. With the adoption of this Charter provision, the Registrars of Voters will be elected to a two-year term in the November, 2014 general election and a two-year term in the November, 2016 general election. Beginning with the November, 2018 general election, the Registrars of Voters will be elected to four-year terms, which elections will coincide thereafter with the State gubernatorial general elections in November.

SECTION 2. MUNICIPAL OFFICERS

The elected officials of the City shall be: Mayor, twelve (12) Members of the Common Council, Treasurer, Nine (9) Members of the Board of Education, three (3) Members of the Board of Tax Review, and seven (7) members and three (3) alternate members of the Planning and Zoning Commission.

SECTION 3. RESTRICTIONS ON ELECTED OFFICIALS

No elected official in the Government of the City, during the full term of the office for which said official was elected, shall be eligible for appointment to any salaried position except to the positions of Corporation Counsel and Mayor's Administrative Assistant(s) within the City Government. Persons being so appointed must resign from the elected office.

SECTION 4. MUNICIPAL ELECTIONS; TERM OF OFFICE; LIMITATION OF POWERS [Amended 11-4-2014]

The term of office for all elected officials will be four (4) years. A meeting of the Electors of the City of Middletown shall be held Biennially on the Tuesday after the first Monday of November of the odd-numbered years for the purpose of electing officials to such Municipal Offices as are provided for in this Charter the terms of which are to expire. At the first Biennial Election following adoption of this Charter provision, all elected officials will appear on the ballot except for the four (4) longest-serving Board of Education members, three (3) longest-serving Planning and Zoning Commissioners, and one (1) longest serving alternate Planning and Zoning Commissioners. The remaining officials will appear on the off-year Biennial Election, to be held on the Tuesday after the first Monday of November of the next odd-numbered year. The Term of Office for all elected officials of the City, except as otherwise provided by Law, shall commence at 12 o'clock Noon on the Tuesday following the certification of election of each such Municipal Officer by the City/Town Clerk of the City and shall continue until

12 o'clock noon of the Tuesday following the Biennial Election in which the official's term expires. The period between a Biennial Election for Mayor and the commencement of a term of office for a new Mayor shall be a transition period and during said period the outgoing Mayor shall meet with and assist the incoming Mayor in all aspects of the Office of the Mayor and said outgoing Mayor shall not appoint, hire, remove, terminate, discipline, promote, demote or transfer any officer, department head, assistant department head, commission or committee members, or employee of the City.

SECTION 5. MINORITY REPRESENTATION

Not more than eight (8) members of the Common Council, not more than six (6) members of the Board of Education, not more than one (1) Registrar of Voters, not more than two (2) members of the Board of Assessment Appeals. and not more than four (4) members and not more than two (2) alternate members of the Planning and Zoning Commission may be members of the same political party at any time.

SECTION 6. ELECTIONS, VOTING DISTRICTS

The provisions of the General Statutes relating to town elections shall govern the conduct of all elections held under the provisions of this Charter except as otherwise provided herein. The Common Council shall set the boundaries of each voting district and at any time may, by ordinance, alter the boundaries of said districts or establish additional districts.

SECTION 7. ELIGIBILITY

No person shall be eligible for election to any City office who is not at the time of election a resident of said City and any person ceasing to be a resident or elector of said City shall thereupon cease to hold elective office in the City.

SECTION 8. VACANCY IN OFFICE

- A. A permanent vacancy in any elective office shall occur by way of death or resignation of the Office Holder or as otherwise provided by State Statute.
- B. A voluntary temporary vacancy in the Office of the Mayor may occur in the following manner:
 - 1. Notification by the Mayor to the Deputy Mayor and the Council of a temporary vacancy.
 - 2. Termination of above temporary vacancy in Office shall be by notification by the Mayor to the Deputy Mayor of such termination.
- C. An involuntary temporary vacancy in the office of Mayor may occur in the following manner:
 - 1. In the event of the Mayor's inability to carry out the duties of the Office of

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Mayor by reason of physical and/or mental disability, the Common Council shall, upon unanimous vote of the Council at a regular or special meeting duly warned for that purpose, cause the Mayor to submit to examination by two physicians licensed to practice medicine in the State of Connecticut who shall submit written reports to the City/Town Clerk as to the ability of the Mayor to carry out the duties of the Office of Mayor. If such examination substantiates the Mayor's inability to carry out the duties of the Office of Mayor, the City/Town Clerk shall then declare a temporary vacancy.

2. Termination of said temporary vacancy shall be confirmed by two physicians licensed to practice medicine in the State of Connecticut that the Mayor is physically and/or mentally able to carry out the duties of the Office of Mayor who shall submit reports to the City/ Town Clerk who shall notify the Common Council of the Mayor's ability to resume office.
- D. Except for vacancies in the Offices of the Mayor and/or Deputy Mayor, the Common Council, at a regular or special meeting duly warned for that purpose and next following a Declaration of Permanent Vacancy in an Elective Office, shall, by a majority of those present and voting, fill any such vacancy. Such appointee shall be a member of the same political party as the predecessor in said office and shall serve the remainder of the term of office of the elected official whose position he/ she has been appointed to fill.
- E. In the event of a permanent vacancy in the Office of the Mayor during the first 36 months of the term to which the Mayor was elected, a Special Election to fill said vacancy shall be called by the Common Council at a regular or special meeting duly warned for that purpose and following a Declaration of Permanent Vacancy in the Office of the Mayor. The Deputy Mayor shall assume the Office of the Mayor in the event of a permanent vacancy during the last 12 months of the Mayor's term and the Deputy Mayor shall serve as Mayor until 12:00 Noon the Tuesday following the next Biennial Election. In the event of permanent simultaneous vacancies in the offices of Mayor and Deputy Mayor, the majority leader of the Council shall assume the position of interim Mayor either until the special election called by the Common Council, if such vacancies occur during the first 36 months of the term, or until a special Council meeting called within ten days to elect a deputy mayor if such vacancies occur during the last twelve (12) months of the term. [Amended 11-4-2014]
- F. In the event of a permanent vacancy in the Office of Deputy Mayor due to assumption of the Office of Mayor as provided for in Subsection E or a vacancy arising under Subsection A, the Mayor shall immediately appoint a successor Deputy Mayor in accordance with Chapter IV, Section 2A.
- G. A declaration of vacancy in any Office shall be made by the Mayor or, in the Mayor's absence, the Deputy Mayor upon written notification of such vacancy from the City/Town Clerk, which notice to the Mayor or, in the Mayor's absence,

to the Deputy Mayor, shall be made forthwith.

SECTION 9. SPECIAL ELECTIONS

The Common Council shall call and warn Special Elections when required by any provision of the Connecticut General Statutes.

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CHAPTER III: THE COMMON COUNCIL

SECTION 1. COMMON COUNCIL [Amended 11-4-2014]

The Common Council shall consist of twelve (12) members, who shall be elected at large for a term of four (4) years. Not more than eight (8) candidates for the Common Council may be nominated by any political party for the elections and the twelve (12) candidates receiving the highest number of votes at said Election shall be declared elected. Each such member shall receive such stipend as may be provided by law.

SECTION 2. ORGANIZATION OF COUNCIL

The Common Council shall meet to organize no later than ten days following the commencement of its term of Office. The Common Council may appoint such staff as it deems necessary to assist it in the performance of its duties. The Common Council shall determine its own rules of procedure. The Common Council shall establish as many Councilmanic Commissions as it shall deem necessary at any time to carry out the City's business. Each such Commission shall keep records of its proceedings and provide such information as may be requested by the Common Council. All such Councilmanic Commissions shall be advisory in nature, and shall have no authority to direct the administration of any Department.

SECTION 3. MEETINGS OF THE COMMON COUNCIL

- A. Regular meetings of the Common Council shall be held on the first Monday of every month. If said Monday shall fall upon a legal holiday, as provided in the General Statutes, the Council shall meet on the Tuesday immediately following.
- B. Special meetings may be called by the Mayor or by the Deputy Mayor, when exercising the duties of the Mayor, or upon a call signed by not less than five members of the Common Council.
- C. A majority of the members of the Common Council shall constitute a quorum. In determining a quorum, in the absence of the Mayor, the member of the Council who is Deputy Mayor shall be counted. The Deputy Mayor, if presiding at a meeting in the absence of the Mayor, shall be allowed to vote on any matters as a Council Member but will have no more than one vote.
- D. No appropriation, resolution, ordinance, report or other item of business shall be placed on any Common Council agenda unless it is filed with the Council Clerk in accordance with the rules established by the Common Council or a waiver of the rules to allow the inclusion of any matter shall have been approved by nine (9) Council Members.
- E. The public shall have the right to address the Council regarding matters of public concern. Subject to the rules of the Council, the public shall have the right to

address the Council at any Council meeting on any item on the agenda for the Council meeting at which they speak and may address the Council on non-agenda matters of general public concern only in accordance with provisions established by the Council for such input.

SECTION 4. AUTHORITY OF THE COMMON COUNCIL [Amended 11-4-2008]

The Common Council shall have the powers and duties which, on the effective date of this Charter, were conferred by law upon boards, officers and commissions of the City existing immediately prior to said date, excepting, as otherwise provided in, or inconsistent with this Charter and amendments thereto, or established by General or Special Acts of the General Assembly. The Common Council shall be the legislative body of the City. Said Council shall have the power, authority and duty by a majority vote of those members present and voting to make such bylaws and ordinances and to adopt such resolutions as are deemed necessary for the conduct of the City's business, subject to the provision for hearings as provided herein, and not inconsistent with the laws of the State of Connecticut and/or of the United States; to levy taxes as provided herein; to regulate the borrowing of money by the City; to adopt a budget for each fiscal year subject to the provisions herein; to authorize the issue of such bonds or notes as are required for the conduct of the City's business and other purposes as provided herein; to appropriate such funds as may be required for the proper conduct of the City's business; to determine and appropriate such salaries, expenses, compensation or other sums to be paid to all elected officials, including the stipend to be received by members of the Common Council, provided such salaries, expenses, compensation or other sums shall not take effect before 12:00 Noon the Tuesday following the next biennial municipal election; to review and approve all contracts, including agreements to settle litigation against the City, or those memoranda of agreement with collective bargaining units that meet the following criteria, which create a financial responsibility, on the current or any future City budget, which have not previously been approved by the Council through the budgetary process and authorize the Mayor to sign the same on behalf of the City; and it shall have such other powers appropriate to the exercise of its authority as the legislative body of the City and such powers and duties which, on the effective date of this Charter, were conferred by law. In addition to all other powers, the Common Council shall have the power to make appropriations for all things necessary or desirable to protect the City from fire, including but not limited to, appropriations for the Middletown Fire District, the South Fire District of the City of Middletown and the Westfield Fire District of the City of Middletown.

SECTION 5. BYLAW, ORDINANCE, BUDGETARY RESOLUTION OR APPROPRIATION; WHEN AND HOW IN EFFECT; CERTIFICATE OF CITY/TOWN CLERK

No bylaw, ordinance, budgetary resolution or appropriation passed by the Common Council shall take effect and be enforced until fifteen days after such bylaw, ordinance or a summary thereof, budgetary resolution, or appropriation shall have been published in some newspaper of general circulation in the City of Middletown. Prior to the publication of a summary, a copy of the full text of the bylaw or ordinance shall be

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filed in the office of the City/Town Clerk and be available for public inspection. The summary shall include the title and a general statement of the subject matter of the bylaw or ordinance and shall state that a copy of the full text is on file in the office of the City/Town Clerk. The certificate of the City/Town Clerk, upon the records of the Common Council, that such bylaw, ordinance, budgetary resolution or appropriation has been so published and filed shall be prima facie evidence of such filing and publication in any suit or proceeding. Upon such publication, said Clerk shall make such certificate and thereupon, after the lapse of such fifteen-day period, such bylaw, ordinance, budgetary resolution or appropriation shall be in effect subject only to the provisions of this Charter referring to the referendum.

SECTION 6. ORDINANCE FOR THE CREATION, MERGER, OR ELIMINATION OF ANY DEPARTMENT OR AGENCY

Any ordinance providing for the creation, merger or elimination of the departments, or agencies of City government shall be voted upon at two different meetings of the Common Council which shall be held at least 30, and not more than 90 days apart, each of which shall be preceded by a duly noticed public hearing. No such ordinance shall become effective unless adopted by the affirmative vote of nine members of said Council at each such meeting.

SECTION 7. REFERENDA AND INITIATIVE

- A. REFERENDA. If within the period of fifteen calendar days after publication in some newspaper with general circulation in the City of Middletown of such bylaw, ordinance, or a summary thereof, budgetary resolution, or appropriation a written petition, containing the signatures of at least five percent of the electors of the City and protesting any such enactment by the Common Council shall be filed with the City/Town Clerk, such bylaw, ordinance, budgetary resolution, or appropriation shall be suspended. The City/Town Clerk shall, within seven days excluding Saturdays, Sundays and Municipal holidays thereof, make an examination of such petition and attach thereto a certificate that the same is sufficient or insufficient under the requirements of this Section. If the petition shall be found to be insufficient it shall be so certified by the City/Town Clerk. If the petition shall be found to be sufficient, the City/Town Clerk shall, within five days excluding Saturdays, Sundays and Municipal holidays, submit the same to the Common Council, which shall within five days excluding Saturdays, Sundays and Municipal holidays thereof, reconsider the measure. If it shall not be entirely repealed, the Council shall, within five days excluding Saturdays, Sundays and Municipal holidays thereof, submit it to a vote of the electors affected by it at either a general or special election to be called for that purpose and in any event to be held no earlier than thirty and no later than sixty calendar days. At such election all votes shall be taken by ballot and check list at the regular polling places. The Common Council shall set the hours of voting in any referendum and the Registrars of Voters shall prepare the polling places and the City/Town Clerk shall prepare the ballots. A simple majority vote of those voting in such referendum shall determine the matter.

- B. **INITIATIVE.** Any elector of the City may prepare a Petition regarding any matter of public interest, except for the approval of a bond or the appropriation of revenue, to be submitted for determination by the electors of the City and/or adoption as a resolution or ordinance by the electors of the City in accordance with the provisions of this Charter to be placed on that year's November ballot. The Petition shall be filed with the City/Town Clerk in typewritten form, provided the wording of the Petition shall first be reviewed by the City/Town Clerk, in consultation with the City Attorney who, within seven (7) working days of its submission, shall determine whether or not such petition presents a matter within the public interest and has been correctly worded in such a manner as to clearly express its meaning and intent. If the wording and subject matter of a Petition fairly and accurately presents such a public issue, it shall be returned to the individual who filed the petition for the obtaining of signatures commencing on July 1 in accordance with the laws of the State of Connecticut regarding the same. The petition issue shall only be voted upon at the next regular November election if copies of the Petition containing the names of at least ten (10%) percent of the electors of the City are filed with the City/ Town Clerk on or before sixty (60) days prior to said November election date. The results of the balloting on said Petition shall not be binding unless approved by a simple majority of those voting on the Petition. No enactment passed pursuant to initiative shall be subject to referendum. [Amended 11-4-2008]

SECTION 8. INVESTIGATIONS

The Common Council shall have the power to investigate any and all Departments, Offices and Agencies of the City.

SECTION 9. ETHICS

The City shall adopt a code of ethics by ordinance. As part of such code, a Board of Ethics may be established¹.

¹ Editor's Note: See Ch. 40, Ethics, Code of.

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CHAPTER IV: DUTIES AND POWERS OF ELECTED OFFICERS AND OTHER CITY OFFICERS

SECTION 1. MAYOR'S OFFICE [Amended 11-4-2014]

Commencing with the first municipal election following the passage of this charter provision, the Mayor's term of office shall be four (4) years. The Mayor's Office shall consist of the Mayor and the following staff: an Administrative Assistant, a Corporation Counsel and such other Staff as the Mayor may deem necessary. All such staff of the Mayor's Office shall be appointed by the Mayor and may be removed by the Mayor and shall not be included in the classified service. All classified employees working in the Mayor's Office shall not be considered to be part of the Mayor's Staff as defined in this Section.

The Mayor shall receive such compensation as shall be fixed by the Common Council.

SECTION 2. DUTIES AND POWERS OF THE MAYOR [Amended 11-4-2008]

The Mayor shall be the chief executive officer of the City and shall devote full time to the duties of the office. Full time shall mean primary occupation. Except as otherwise provided by law, the Mayor shall be a voting member of all Boards, Agencies and Commissions appointed by the Mayor. As such, the Mayor shall be entitled to cast one vote. Except as otherwise provided by law, the Mayor shall be directly responsible for the administration of all Departments, Agencies and Offices, in charge of persons or Boards appointed by the Mayor and shall supervise and direct the same. The Mayor shall see that all laws and ordinances governing the City are faithfully executed; shall make periodic reports to the Common Council and shall attend and participate in its meetings as provided by this Charter; shall prepare and cause to be made available to the public, as soon as possible after the close of the fiscal year, an annual City report which shall include a summary of the activities of each City department during the preceding year and a statement of the departments' goals for the next year; shall recommend to the Council such measures as the Mayor may deem necessary or expedient including, but not limited to, measures to organize or reorganize the Departments and Agencies of the City; shall keep the Council fully advised as to the financial condition of the City; shall prepare and submit to the Council an annual budget and such additions, deletions or amendments to the separate budgets provided for in Chapter VI, Section 2; shall negotiate for the purchase of real estate and take options on such real estate in behalf of the City, provided that the Mayor shall expend no more than the amount set by Council ordinance for any one option; and shall exercise such other powers and duties as may be required of the Mayor by ordinance or resolution of the Council not inconsistent with this Charter.

The Council shall not diminish by ordinance, vote or otherwise, the powers and duties of the Mayor, except those powers and duties imposed on the Mayor by the Council under provisions of this Section. The Mayor shall have the power to sign contracts approved by the Common Council, deeds and other instruments or documents and the Mayor shall have the power to administer oaths. The Mayor shall be the presiding officer of the Common Council and, as such, shall have the power to resolve a tie vote of the Common Council and, in addition, may veto any ordinance or appropriation passed by the Common Council and, in the event the Mayor shall veto any such ordinance or appropriation, the Mayor shall return the same to the Common Council within five (5) days, excluding Saturdays, Sundays and Municipal holidays, following the adoption of such vote with a statement in writing of the Mayor's objections thereto. If the Common Council, by a vote of two-thirds of the members present and voting at a special meeting called for that purpose within 10 days, excluding Saturdays, Sundays, and Municipal holidays, following receipt of the Mayor's veto, shall readopt said ordinance or appropriation, it shall thereupon be effective as so readopted.

SECTION 2A. DEPUTY MAYOR

Upon commencement of the Mayor's term of office, the Mayor shall appoint a Deputy Mayor who shall be a member of the Common Council and shall be of the same Political party as the Mayor, unless there are no Council members of the same party, in which case the Mayor may appoint any member of the Council. Said appointment shall be subject to confirmation by the Common Council. The Deputy Mayor shall act as Mayor during any temporary vacancy in the Office of Mayor or until a permanent vacancy in the Office of Mayor has been filled as provided for in Chapter II, Section 8 of this Charter. The salary of the Deputy Mayor shall be determined by the Common Council.

SECTION 3. CITY OFFICERS

- A. The following officers shall be appointed by the Mayor and confirmed by the Common Council: (i) City/Town Clerk; (ii) Tax Collector; and (iii) Tax Assessor. Each said officer shall have the powers and duties vested in each said officer by the laws of the State of Connecticut and pursuant to ordinances adopted by the Common Council. They shall devote full time to the duties of their respective offices. Full time shall mean primary occupation.
- B. There shall be such other Officers of the City as may be deemed necessary by the Mayor and the Common Council and whose duties and powers shall be defined by ordinance. All such officers shall be appointed by the Mayor and confirmed by the Common Council.
- C. The Mayor shall have the power to remove or discipline non-elected officers as provided for in Chapter V, Section 4.

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SECTION 4. CITY TREASURER

There shall be a City Treasurer who shall have and exercise all the powers and duties prescribed for Treasurers of Towns and Cities by the General Statutes and additional powers and duties as may be prescribed by the Common Council.

SECTION 5. REGISTRARS OF VOTERS, BOARD OF TAX REVIEW

The power and duties of the Registrars of Voters and members of the Board of Assessment Appeals shall be as provided by law and not inconsistent with this Charter and may be provided by ordinance.

SECTION 6. COMMON COUNCIL TO PERFORM DUTIES OF SELECTMEN EXCEPT AS OTHERWISE PROVIDED

All powers and duties had and performed under the law by the Selectmen of any town, except such as are imposed upon them by the Constitution and the General Statutes relative to the admission of persons to the privileges of electors, shall be had and performed by the Common Council or as otherwise provided herein. The Common Council shall provide for the performance of all such functions by ordinance, bylaw, or otherwise, as it shall determine.

SECTION 7. BOARD OF EDUCATION; ELECTION; TERM

There shall be a nine (9) member Board of Education which shall have such duties and powers as may be imposed by law. Members of such Board, shall be elected in place of the members whose terms expire, each for a term of four years. Each elector may vote for the full number of members to be elected to each term and the candidates receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to Section 9-167a of the General Statutes exceeds the maximum number, as determined by said Section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election.

SECTION 8. OFFICE OF THE CITY ATTORNEY

The Office of the City Attorney shall have the authority, with the approval of the Mayor and Council, to refer to the Corporation Counsel questions of law involving the powers, obligations, and/or duties of any City officer, department, agency, board or commission if, in its discretion, said questions relate to political matters or those which involve a potential conflict of interest.

CHAPTER V: DEPARTMENTS OF THE CITY

SECTION 1. DEPARTMENTS ESTABLISHED

- A. All departments of the City may, from time to time, be established by ordinance. All employees of any department shall be subject to the City of Middletown Personnel Rules and Classification Plan. The Common Council shall have the power to prescribe by Ordinance the powers, duties and privileges of each Department, not inconsistent with any of the provisions contained herein.
- B. Every Department, Authority, Board, or Commission, existing on the effective date of this Charter, shall continue in existence as if established by ordinance until merged or eliminated by ordinance pursuant to Chapter III, Section 6 of this Charter.

SECTION 2. DEPARTMENT HEADS

Each Department shall have a department head who shall be known as director and who shall be appointed by the Mayor and confirmed by the Common Council. Each such director shall devote full time to the duties of the Office and shall be responsible to and report to the Mayor.

SECTION 3. ASSISTANT DEPARTMENT HEADS

There shall be such assistant department heads as may be provided by ordinance, who shall serve as assistant to the various department heads of the City. Each assistant department head shall be appointed by the Mayor and confirmed by the Common Council. Each such assistant department head shall be responsible to and report to the department head and shall devote full time to the duties and responsibilities of the Office. Each such assistant department head shall be removed or disciplined only in the same manner as department heads.

SECTION 4. REMOVAL OF A DIRECTOR

The Mayor shall have the power to remove any director for cause but, in no case, may any director be removed for political reasons. In the event of dismissal of any director, the Mayor shall notify said director in writing of such action and the reasons therefore not more than one month prior to the effective date of such dismissal.

CHARTER OF THE CITY OF MIDDLETOWN
CHAPTER VI: FINANCE AND TAXATION

SECTION 1. BUDGET [Amended 11-4-2008]

Except as otherwise provided herein, not later than January 1st of each year, the Mayor, or the Mayor's designate, shall provide all Departments, Agencies, Offices and Commissions with forms for budgetary requests for the ensuing fiscal year.

On or before April 1st the Mayor shall transmit a proposed fiscal budget to the Common Council. The proposed budget shall consist of an operating budget and a capital budget. The capital budget shall consist of all funds necessary for any debt service payment needed during the fiscal year, including all payments for debt service incurred for the construction, renovation or improvement of any Board of Education buildings or property. The operating budget shall consist of all proposed expenditures for the fiscal year which are not part of the capital budget. All provisions for veto and referenda of the budget shall apply only to the entire budget and neither the operating budget nor the capital budget shall be subject to veto or referenda separately. The Common Council shall, prior to April 30th, hold public hearings on the proposed budget. The Common Council shall cause such proposed budget to be published at least once in a daily newspaper having a general circulation in the City and shall accompany such publication with a notice of the date of hearing, which date shall be at least two days after said publication. Upon such date, the Common Council shall meet to hear any parties interested in relation thereto, which meeting shall be held on or before April 30th. At such hearings, all electors and persons paying taxes or charges to said City shall have the right to be heard concerning any proposed budget item. The Council shall have the power to add, delete, increase or decrease any item in said proposed budget and, not later than the 15th day of May of each year, shall adopt a budget and make appropriations therefor.

The Mayor shall have the power to veto, in writing, any addition, deletion, increase or decrease in said budget as voted by the Common Council, provided that the Mayor then shall transmit said veto to the Common Council within five calendar days following the adoption of said budget by the Common Council. If the Common Council, by vote of two-thirds of its entire membership at a Special Meeting held for that purpose, shall readopt the item or items vetoed within ten days of receipt of said veto, the Budget shall be effective as adopted. In the event the Common Council shall not readopt the item or items disapproved, then the budget shall be effective as modified by the veto. Within 15 calendar days following the passage of a budget, the electorate of the City shall have the power to challenge the budget by means of a referendum as provided in this Charter. The Common Council shall within 10 days following any referendum adopt a budget in accordance with such determination. In the event of any additional Mayoral veto, or referenda, said Common Council shall proceed in like manner until a tax shall be levied and accepted to cover such budgets.

Such appropriations, when finally decided upon, shall be entered into the official records of the City and shall be subject to the inspection of any taxpayer during City Hall business hours. Any portion of an annual budget appropriation remaining unexpended

and unencumbered at the close of the fiscal year shall lapse and said portion of any appropriation shall revert to the respective Fund of said City.

SECTION 2. SEPARATE BUDGETS PROVIDED

The Annual Budget prepared by the Office of the Mayor shall not include the budgets of those Boards, Commissions and Agencies for which separate budgets are required by the General Statutes or Special Acts. All separate budgets shall be subject to the referendum provisions contained in this Charter.

SECTION 3. TAX RATES ESTABLISHED

At the same time the Common Council shall approve the budget, it shall also fix the Tax Rate in Mills which shall be levied on the taxable property in the City as provided by Law. Said Tax shall be payable in two equal installments as shall be determined by the Common Council. Upon failure of any taxpayer to pay any installment of taxes within one month after the date on which said installment is payable, the full amount of the total bill shall be due and payable and subject to such interest charges as are provided by Statute. Any property tax due the City of Middletown in an amount not in excess of one hundred dollars (\$100) shall be due and payable in a single payment.

SECTION 4. ANNUAL AUDIT [Amended 11-4-2014]

The Common Council shall, by majority vote at a meeting to be held not later than one month after each Mayoral Election, appoint a certified public accountant or firm who shall audit the books and accounts of the City, in accordance with the provisions of the General Statutes, and who shall perform such other duties as may be deemed necessary by the Common Council.

SECTION 5. ASSESSMENTS, COLLECTION WARRANT LIEN

In any case where, under the provisions of this Charter or of any bylaw or ordinance of the City, a sum of money, other than taxes, shall have been ordered by the Common Council to be paid by any person, or where any assessment shall have been made, or where any expense shall be incurred by the City because of the failure of the property holder to comply with any order of the Common Council or with an ordinance, the Common Council may appoint a collector to collect such sums of money and assessments of expenses and shall cause the collector to account duly for the amount of same, the Mayor or Deputy Mayor shall issue a warrant authorizing such collector to collect same. Every such collector shall proceed in the same manner and have the same powers and be under the same regulations as by law prescribed for collectors of public taxes. All such sums of money, other than taxes, but including assessments or expenses, shall be subject to interest from the date when the same shall be payable at the same interest rate or rates and in the same manner as shall be provided by the General Statutes in case of delinquent taxes and shall remain a lien upon the property specially benefited by the public work or improvement with reference to which such assessment was made or upon the property against which such expense

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be chargeable. Such lien and all liens created under the provisions of this Charter shall take precedence and priority over any lien or encumbrance on the property whereon the same shall be imposed, except taxes and other City liens prior in date, and any such lien may be foreclosed in the same manner as if such lien were a mortgage given to said City to secure the amount of such assessment or such expense, provided such lien shall not continue for a period longer than sixty days after the time when such assessment or such expenses shall become payable, unless before the expiration of said sixty days a certificate, signed by the Mayor or the City/Town Clerk of said City, describing the property on which the lien shall exist and the amount claimed by said City as a lien thereon, shall be lodged with the City/Town Clerk. Whenever any such lien shall have been satisfied, a certificate of such fact signed by the Mayor, the Deputy Mayor, or the City/Town Clerk of said City, shall be lodged with said City/Town Clerk. The City/Town Clerk shall record all such certificates in a book kept for that purpose and the reasonable expense of filing and discharging such lien shall be added to such assessment or expense. Any person willfully interrupting, hindering, abusing and resisting or obstructing any such collector in the discharge of the collector's duty shall be fined in an amount not exceeding one hundred dollars or imprisoned not exceeding sixty days or both in any criminal action brought before the Superior Court.

SECTION 6. LIENS, ASSESSMENTS FOR SERVICES

All water rents, sewer and sanitation charges and all service charges due for any service under the provisions of this Charter shall be and remain a lien upon the house, tenement or lot, wherein or in connection with which service shall have been rendered to the owner or occupant thereof and said lien shall have priority over all other liens and encumbrances on said house, tenement or lot, whereon the same is imposed, except taxes, tax liens and other City liens prior in date, and may be enforced or foreclosed by and in the name of the City of Middletown, before any Court having competent jurisdiction thereof, in the same manner as mortgages on lands and buildings are foreclosed. The Common Council of the City of Middletown shall have the right and power to authorize the sale of any interest in any house, tenement or lot, which the City shall acquire by reason of such foreclosure, and the proceeds of any such sale shall be paid into the City treasury. Such liens shall be perfected and be in effect in accordance with provisions of the General Statutes relating to the taxes on real estate.

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CHAPTER VII: SANITARY DISPOSAL DISTRICT

SECTION 1. SANITARY DISPOSAL DISTRICT; BOUNDARIES [Amended 11-4-2008]

The Sanitary Disposal District shall continue to be that portion of the City of Middletown as is constituted the Sanitary Disposal District on the effective date of this Charter, together with any other territory contiguous thereto which may hereafter be added in accordance with the provisions of this Charter. The expense for the maintenance and operation of said district shall be a service charge upon all property located within the district. The provisions of Special Act No. 466 (1951) of the Connecticut General Assembly not inconsistent with the provisions herein shall continue in effect.

SECTION 2. ALTERATION OF BOUNDARIES; NOTICE REQUIRED

The boundaries of the Sanitary Disposal District shall not be extended except in the following manner. Upon the written petition of a majority of the property owners, without the Sanitary Disposal District but within any part of said City contiguous to said district, requesting to be annexed as a part of the Sanitary Disposal District and describing the limits of said contiguous territory to be annexed, the Common Council may, after a public hearing, notice of which shall be given at least five calendar days prior to such hearing by publication in a newspaper having general circulation in the City, by vote annex the territory described in such petition to the Sanitary Disposal District. The vote of the Common Council annexing such territory to said district shall specify the boundaries of the territory annexed, a date upon which service will be initiated and a copy of such vote, certified by the Clerk of the Common Council, shall be forthwith recorded in the land records of the City and filed in the Office of the Assessor and in the Office of the Sanitary Disposal District.

Upon the written petition of a majority of the property owners within any part of the Sanitary Disposal District that is contiguous to a non-member territory requesting to be separated from the Sanitary Disposal District and describing the limits of said contiguous territory to be separated, the Common Council may, after a public hearing, notice of which shall be given at least five calendar days prior to such hearing in a newspaper having a general circulation in the City, by vote, separate the territory described in such petition from the Sanitary Disposal District. The favorable vote of the Common Council separating such territory from said District shall specify the boundaries of the territory separated, with an effective date of release, and a copy of such vote, certified by the Clerk of the Common Council, shall be forthwith recorded in the Land Records of the City and filed in the Office of the Assessor and in the Office of the Sanitary Disposal District.

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CHAPTER VIII: BOARD AND COMMISSIONS

SECTION 1. PLANNING AND ZONING COMMISSION

1. There shall be a Planning and Zoning Commission which shall exercise all powers and authority enumerated in Chapter 124, Section 8-2 of the General Statutes, as amended, and shall exercise said powers and authority in accordance with the provisions of Section 8-3 and Section 8-4a of Chapter 124 of the General Statutes, as amended. All existing regulations shall continue in full force and effect until modified, repealed or superseded by action of the Planning and Zoning Commission.
2. The Planning and Zoning Commission shall consist of seven regular voting members. The Mayor and Director of Public Works shall also be members without voting privileges. There shall be three alternate voting members. Members and alternates shall be elected for terms of four years. The Planning and Zoning Commission shall annually elect a Chairman, Vice Chairman, and Secretary from among its regular voting members. [Amended 11-4-2008]
3. A quorum shall consist of six commissioners and decisions shall be taken by affirmative vote of no less than five commissioners.

SECTION 2. ZONING BOARD OF APPEALS

There shall be a Zoning Board of Appeals in accordance with the provisions of Chapter 124 of the General Statutes. Members shall be appointed by the Mayor and confirmed by the Common Council. Members of the present Zoning Board of Appeals shall continue in office until the expiration of their terms.

SECTION 3. COMMISSIONS AND COMMITTEES

There shall be such Commission and Committees of an advisory nature or limited duration, as may be deemed necessary by the Mayor and the Common Council, and all members of such Commissions and Committees shall be appointed by the Mayor and confirmed by the Common Council, except as herein provided. The powers, duties and organization of each Commission and Committee shall be prescribed by ordinance.

SECTION 4. REMOVAL OF APPOINTED COMMISSION AND COMMITTEE MEMBERS

A member of any appointed Commission or Committee, who shall be absent therefrom for three consecutive meetings without good cause shown, may, upon the recommendation of the chairman or director thereof and upon the approval by the appointing authority, be ordered removed therefrom by the Mayor whereupon the appointing authority shall fill the unexpired term created by such vacancy.

CHARTER OF THE CITY OF MIDDLETOWN

CHAPTER IX: BONDING POWERS

SECTION 1. POWERS GENERALLY

The City of Middletown shall have the power to incur indebtedness by issuing its bonds, notes or other obligations in accordance with the provisions of the General Statutes and for the following purpose: (a) for any purpose authorized by the General Statutes; (b) to fund an emergency expenditure; (c) to meet that portion of the cost, including damages incurred, of any public improvement, duly authorized, the cost of which is ultimately to be defrayed from benefits assessed, providing nothing in this section shall be taken to interfere with the power of the Council to provide for the issuance of assessment of benefits as provided in this Charter; (d) to prevent the City from defaulting on the principal or interest on its debt, the full amount of which, with interest to maturity, shall be included in the budget for the ensuing year wherein such notes shall be retired; (e) to pay for the acquisition and development of a project or land outside of the City for any purpose for which it may develop a project or land within the City; and (f) in anticipation of the receipt of the collection of taxes for the current fiscal year, such notes to be repaid from the proceeds of such taxes and, if not paid in full before the end of such year, an amount equal to the unpaid balance thereof shall be included in the budget for the ensuing fiscal year.

SECTION 2. DEBT AUTHORIZATION [Amended 11-3-2009]

The issuance of bonds, notes, or other obligations shall be authorized by ordinance adopted by the Council and if the total estimated cost of any improvement for which such obligations are proposed to be issued exceeds \$750,000, no bonds, notes, or other obligations shall be issued for such improvement unless the ordinance authorizing such issue shall also be approved by a majority of those voting thereon at a general municipal election or referendum called and warned for that purpose subject to any State Statute that may appertain to or be in addition to the Charter requirements. Provided however, if the total estimated cost of any improvement for which such obligations are proposed to be issued exceeds \$500,000 but less than \$750,000, no bonds, notes, or other obligations shall be issued for such improvement unless the ordinance authorizing such issue shall have received an affirmative vote by the majority of the Common Council at its next meeting after a special public hearing on the ordinance, which public hearing shall be held on a date prior to the Council's consideration of the issue. Notes in anticipation of taxes shall be authorized by resolution of the Council. Notes to prevent default on the principal or interest of the City's debt shall not be subject to referendum and shall be authorized upon Council adoption of a resolution following certification to the Council by the Treasurer that, except for such borrowing, a default on the part of the City would take place. Such certification shall be spread on the minutes of the Council.

SECTION 3. THE DEBT AUTHORIZATION ORDINANCE

The ordinance authorizing the issuance of bonds, notes or other obligations shall set forth the purpose for which the obligations are to be issued and, if they are to be

issued for a public improvement, a description in brief and general terms of such improvement together with an estimate of its cost and the portion, if any, of such cost to be defrayed from sources, specifying the same, other than the proposed bond issue; the amount of the proposed issue; a statement showing that the proposed issue is within the limitations as provided herein; a determination of the estimated useful life of the improvement, if any, for which the obligations are to be issued; and a determination that the principal and interest on the proposed issue are to be paid from property taxes and that the full faith and credit of the City are pledged to such payment.

SECTION 4. SHORT PERIOD OF LIMITATION

When ten calendar days shall have elapsed after the passage and publication of a bond ordinance or, in the event of a referendum, the recitals or statements of facts therein shall be deemed to be true for the purpose of determining the validity of the bonds and the 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 shall not thereafter be questioned by either a party plaintiff or a party defendant except in a suit, action or proceeding commenced prior to the expiration of such ten calendar days.

SECTION 5. CONSTRUCTION OF POWERS

The powers granted to the City of Middletown in this Chapter shall be construed to be in addition to, and not in limitation of, any powers granted to said City under the provisions of any other Special Act.

CHARTER OF THE CITY OF MIDDLETOWN

CHAPTER X: PERSONNEL POLICIES

SECTION 1. CLASSIFIED SERVICE AND REGULAR PART-TIME

The classified service shall include all non-elective officers and both full time and regular part-time employees of the City, including the secretarial and clerical staff of the Mayor's office and personnel employed by the Board of Education not requiring certification by the State Board of Education, and appointees to all positions now or hereafter created except the Administrative Assistant to the Mayor, the Board of Education's Director of Facilities, the Board of Education's Paraprofessionals, the Corporation Counsel, department heads and assistant department heads of said City, persons employed in the professional capacity, those retained to make or conduct a temporary or special inquiry, task, study or investigation, and any persons employed for a temporary period not exceeding three months in any one Department. It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service, the compensation pertaining thereto and of the minimum qualifications for such positions. These statements shall comprise the Classification Plan of the City which shall become effective upon approval by resolution of the Common Council and which may be amended by resolution of the Council, either upon the recommendation of the Mayor or upon the initiative of the Council itself. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Common Council upon recommendation of the Mayor or upon the initiative of the Council itself. The Mayor shall also cause to be prepared a set of personnel rules which shall be reviewed or revised at least every four years and which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary period of employment, hours of work, vacations, sick leaves and other forms of absences and such other rules as may be necessary to provide for an adequate and systematic procedure for the handling of the personnel affairs of the City. If the Mayor does not cause the personnel rules to be reviewed every four years, then the Common Council may initiate, by majority vote, the review of the personnel rules. Such rules and amendments thereto shall become effective upon approval of the Common Council and being filed with the City/Town Clerk by the Mayor and copies of such rules and amendments thereto shall be provided for all members of the classified service. Nothing in this section shall be construed to prevent members of the classified service from entering into a contract with the City for the purpose of establishing working conditions, wages and other conditions pertaining to the continuance and termination of employment. A regular part-time employee of the City shall mean any person who is employed a minimum of 20 hours per week for at least 8 months of a 12-month calendar year.

SECTION 2. HIRING TEMPORARY EMPLOYEES

All temporary employees shall be hired by the Mayor unless the Mayor gives written authorization to a Director to hire a temporary employee or employees.

SECTION 3. APPOINTMENT OF CLASSIFIED EMPLOYEES OF THE CITY

All classified employees of the City shall be appointed by the Mayor pursuant to and in accordance with the City Personnel Rules and Classification Plan. All positions of employment within the City government, except the Mayor's Administrative Assistant and the Corporation Counsel, shall be open to all qualified applicants and the application, selection processes and, if applicable, testing shall be conducted in accordance with the Personnel Rules of the City.

SECTION 4. POLITICAL ACTIVITY

The political activities of classified municipal employees shall be governed by Section 7-421 and 7-421 (A) as set forth in Chapter 113 of the Connecticut General Statutes and any amendments thereto.

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CHAPTER XI: GENERALLY

SECTION 1. GENERALLY

This Charter shall become effective thirty days after approval by the electors of the City pursuant to Section 7-191(f), Connecticut General Statutes.

SECTION 2. PARTIAL INVALIDITY

If any provisions of this Charter shall be held to be invalid for any reason, the remaining provisions of this Charter shall not be affected by such determination and shall remain in full force and effect.

SECTION 3. ADOPTION OF STATE LAW

Those Chapters of the General Statutes pertaining to "Municipal Sewerage Systems," and "Uniform Fiscal Years," are hereby adopted.