

Ordinance Establishing an Exception to the Elector Requirement of the Charter and City Residency for the Incumbent Coordinators.

Purpose: *To establish a standard to allow an exception to the Charter default provision requiring Coordinators to be Electors of the City. The Charter, in Article II, §12.B. and C, also permits exceptions to the default or general rule by Ordinance. The intent of the provision was not to engage in a wholesale refutation of the general rule; but, rather to have the ability to make an informed decision on a case-by-case basis to determine whether such modification is necessary and in the best interest of the people of the City of New Haven. The Ordinance is designed to establish a standard of necessity and not convenience. The intent is to establish criteria for an exception to the Elector default standard in order to permit the Personnel Director to make a recommendation subject to sign off by the Mayor and approval by the majority vote of the members of the Board of Alders present and voting.*

ORDINANCE RE – AN EXCEPTION TO THE ELECTOR REQUIREMENT OF THE CHARTER FOR INCUMBENT COORDINATORS OF THE CITY

Chapter 2, Art. IV, Division 1 of the New Haven Code of Ordinances is amended by adding Section 2-221, as follows:

(a) Coordinator Defined. As used in this section and as set forth in Article II, Sec. 2.A (2) of the Charter, the term “Coordinator” shall mean one of up to four employees of the City appointed by the Mayor with professional qualifications in such fields as, but not limited to, community development, human services, public administration and public finance, to aid the Mayor in the carrying out of said Mayor's duties as chief executive and administrative officer of the City. The professional qualifications of the Coordinators are prepared in accordance with nationally accepted professional standards and best practices in the applicable field and are to be updated prior to the appointment of such Coordinator.

(b) General Rule. Each Coordinator shall be an Elector of the City within six months following the effective date of his or her appointment; or, may reside outside of the corporate boundaries of the City if he or she resides in a residence owned by the City of New Haven.

(c) Legislative Finding. The Elector requirement of the Charter and the general accompanying requirement of residency within the City recognizes the notion that employees have a greater interest in, commitment to and more involvement with the government which employs them if the employee lives within the boundaries of the City. It is equally understood that during a term of appointment certain circumstances or hardships may arise that would necessitate modification or relaxation of the Elector and residency requirements as an exception to the general rule established by the Charter, in accordance with clearly delineated criteria.

(d) Exception. A Coordinator who has served in office for a period of time excess of twelve (12) months following the effective date of his or her appointment (“Incumbent Coordinator”) may qualify for an exception to the Elector requirement of the Charter. In order to do so the Coordinator shall be required to demonstrate a critical need or extraordinary hardship due to exceptional circumstances, beyond the control of the Coordinator.

(e) Application. Either the Mayor or the Incumbent Coordinator may submit an application, accompanied by an affidavit, to the Personnel Director requesting an exception to the Elector requirement. The Personnel Director is required to review the application and the affidavit setting forth the following information and any other information requested by the Personnel Director: (1) a description of the critical need or extraordinary hardship that exists; (2) that the need or hardship necessitates residency outside of the City; and (3) that granting the exception remains in the best interests of the City.

(f) Factors for Consideration. Among the factors to be considered by the Personnel Director are (1) economic hardship including consideration of the cost of residency including the potential for economic loss associated with the sale of a residence owned prior to appointment and purchase of a replacement residence, the cost of maintaining multiple residences for the purpose of complying with the requirements of the Charter; (2) the presence of school age children in the household; (3) necessity of a member of the Coordinator’s household to continue to reside in the residence owned prior to appointment; (4) health-related or medical reasons; and/or (5) any other factor that creates a substantial hardship for the Coordinator. In the event the Mayor is the applicant, the Mayor may include information relevant to the consideration of the application, including but not limited to the special skills, education or experience possessed by the Coordinator, the Coordinator’s proven ability to do perform the functions of the office and other factors the Mayor may believe are supportive of the application.

(g) Review and action by the Personnel Director. The Personnel Director shall review the application and affidavit and may request additional documentation in his or her discretion. Upon approval by the Personnel Director, the application shall be provided to the Mayor. If the Mayor is not the applicant, the Mayor may add any additional, relevant information for consideration by the Board of Alders.

(h) Transmittal by the Mayor to the Board of Alders. Upon approval by the Mayor, the application and other relevant materials provided shall be submitted to the Board of Alders, subject to review by a committee thereof as assigned by the President.

(1) Action by the Board of Alders. The application is subject to final approval by a majority vote of the members of the Board of Alders, present and voting.

(2) Continuing Residency Requirement. Notwithstanding the foregoing, approval of the exception is subject to the continuing requirement for the Coordinator to reside within fifty miles from New Haven city limits or boundaries and within the State of Connecticut.

(i) Annual Review. The exception, if granted, shall be subject to an annual review by the Personnel Director to ensure that conditions have not changed. Following the review, the Director shall file a report and make recommendations to the Mayor and the Board of Alders regarding any further action pertaining to the exception. In the event there is reason to revoke the exception, the revocation shall be subject to approval by a majority vote of the members of the Board of Alders, present and voting.