

CHARTER REVISION COMMISSION CITY OF NEW HAVEN

May 15, 2023

Hon. Michael Smart
City and Town Clerk
New Haven Hall of Records
200 Orange Street
New Haven, CT 06510

Hon. Tyisha Walker-Myers
President
New Haven Board of Alders
165 Church Street, 2nd Floor
New Haven, CT 06510

Re: Draft Report and Submission of the Charter Revision Commission

Dear Clerk Smart, President Walker-Myers and Members of the Board of Alders:

:

Pursuant to §7-191(b) of the Connecticut General Statutes we are pleased to submit to you the Draft Report of the Charter Revision Commission in the form of a Proposed Charter Revision for the City of New Haven, dated May 15, 2023 ("Proposed Revised Charter"). This report is the culmination of a Charter Revision Commission process that began with an organizational meeting on January 30, 2023 and continued with eleven additional meetings, including the first statutory public hearing on February 9, 2023 and a second statutory hearing on May 9, 2023. The final meeting adjourned on May 9, 2023.

The review of the current Charter focused on charges of the Board of Alders in the resolution creating the Commission: (1) making the Charter Gender Neutral throughout; (2) correcting the language on the number and terms of the members of the Board of Education; (3) updating Board of Alders compensation to \$5,000 for Alders and \$6,250 for President and including an increase tied to cost-of-living increases; (4) four- year terms for Mayor, City Town Clerk, Alders and Registrars; (5) maintaining the same number of Alders on Board and Commissions when all Alders are of the same party; (6) updating the Charter to include provisions requiring all Memorandum of Understanding to be approved by Alders; (7) reviewing the Parks Commission lifetime memberships; (8) removing provisions that have timed out from the previous charter including but not limited to those related to approving ordinances concerning purchasing and department heads qualifications; (9) review extending the time period for the approval of nominees to Boards and Commissions from 60 days to 90 days; and, (10) reviewing the Mayor's request concerning residency requirements only apply to those of his appointees approved by the Board of Alders (those are the Fire Chief, Police Chief, the four coordinators, Chief Administrative Office, Controller, Community Services Administrator, and Economic Development Administrator) and the others not approved by the Board of Alders no longer be required to be resident electors.

In addition, there are a number of issues that were raised by the public that were addressed by the Commission.

Members

Hon. Michael Smart, Chair – Hon. Richard Furlow, Vice Chair – Anne Schwartz, Secretary
Carol Coles – Hon. Salvatore E. DeCola – John A. Keyes– Patricia Melton
Serena Neal-Sanjuro – Sandra Trevino

Attorney Steven G. Mednick, Counsel

Approved Actions of the Charter Revision Commission.

(1)

The Charter should be gender neutral.

The Commission approved this request and Counsel reviewed the document and modified about twenty references in the document.

(2)

The Charter language pertaining to the number and terms of the members of the Board of Education should be corrected and accurately reflect the current terms of office.

The following changes were made to clarify the commencement of the terms of office for both the appointed and elected members of the Board of Education:

Clean

A. The Board of Education.

(1) Establishment. There shall be a Board of Education which shall be responsible for the management and control of the department responsible for public education in the City.

(2) Composition. The Board of Education shall consist of seven (7) members as follows: (a) the Mayor; (b) four (4) members appointed by the Mayor, subject to approval by the Board of Alders; and, (c) two (2) elected by district, which districts shall be established as set forth in §3 of Article II of this Charter.

(3) Term of Office.

(a) Appointed Members. On or before the first (1st) day of September, 2014 and in every year thereafter, where applicable, the Mayor shall submit, to the Board of Alders, nominees for appointment to fill the vacancies about to occur in positions on the Board of Education by appointing one or two members, as the case may be, to serve for four (4) years commencing on January 1 of the year following said submission, as follows: (i) one member for a term commencing on January 1, 2025; (ii) two members for a term commencing on January 1, 2026; and (iii) one member for a term commencing on January 1, 2027; and thereafter, in this order as the term may fall..

(b) Elected Members. Two (2) members elected, by Education District (as set forth in §§3 and 4 of Article II of this Charter). One shall be elected on the first Tuesday after the first Monday in November, 2023 shall serve for a term of four (4) years and shall be elected quadrennially thereafter. The other member, elected on the first Monday in November 2025, shall serve for a term of two (2) years; and, thereafter, shall be elected on the first Tuesday after the first Monday in November 2027 to serve a term of four (4) years and shall be elected quadrennially thereafter.

(4) Student Representation. There shall be two (2) non-voting positions on the Board of Education for students of the City's public high schools, to be elected to serve following

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the completion of their sophomore year and serve through the completion of their senior year for a two (2) year term, which terms shall be staggered. The Board of Alders shall establish a process (i) establishing the staggered terms and (ii) for the election of such representatives through direct election by public high school students or through a citywide student assembly such as the citywide student council. The non-voting members shall be exempted from the provisions of this Charter pertaining to qualifications; however, they shall be residents of the City.

Redline

Article IV. Sec. 3.A - Boards and Commissions Established by the Charter. The Board of Education.

(5) Establishment. No changes.

(6) Composition. The Board of Education shall consist of seven (7) members as follows: (a) the Mayor; (b) four (4) members appointed by the Mayor, subject to approval by the Board of Alders; and, (c) two (2) elected by district, which districts shall be established as set forth in §3 of Article II of this Charter.

(7) Term of Office.

(c) Appointed Members (Note: Sets forth the baseline for the appointed members of the Board of Education). On or before the first (1st) day of September, 2014 and in every year thereafter, where applicable, the Mayor shall submit, to the Board of Alders, nominees for appointment to fill the vacancies about to occur in positions on the Board of Education by appointing one or two members, as the case may be, to serve for four (4) years commencing on January 1 of the year following said submission, as follows: (i) one member for a term commencing on January 1, 2025; (ii) two members for a term commencing on January 1, 2026; and (iii) one member for a term commencing on January 1, 2027; and thereafter, in this order as the term may fall.

(d) Elected Members (Note: Sets forth the baseline for the elected members and the transition term for one of the members.) Two (2) members elected, by Education District (as set forth in §§3 and 4 of Article II of this Charter). One shall be elected on the first Tuesday after the first Monday in November, 2023 shall serve for a term of four (4) years and shall be elected quadrennially thereafter. The other member, elected on the first Monday in November 2025, shall serve for a term of two (2) years; and, thereafter, shall be elected on the first Tuesday after the first Monday in November 2027 to serve a term of four (4) years and shall be elected quadrennially thereafter.

Please note that the provisions take into account the alignment of election cycles for all City officials in 2027, including a transition two-year term for one of the members of the Board of Education.

The following is not a new provision but was simply moved from Sec. 3.A(1)(a) to Sec. 3.A(4):

(8) Student Representation. There shall be two (2) non-voting positions on the Board of Education for students of the City's public high schools, to be elected to serve following the completion of their sophomore year and serve through the completion of their senior year for a two (2) year term, which terms shall be staggered. The Board of Alders shall establish a process (i) establishing the staggered terms and (ii) for the election of such representatives through direct election by public high school students or through a citywide student assembly

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such as the citywide student council. The non-voting members shall be exempted from the provisions of this Charter pertaining to qualifications; however, they shall be residents of the City.

The following provisions are replaced:

(3)

Board of Alders compensation should be raised to \$5,000 for Alders and \$6,250 for President and including an increase tied to cost-of-living increases;

Article IV, Sec. 7. Compensation of the Board of Alders.

Each member of Board of Alders shall receive no less than the sum of Five Thousand (\$5,000.00) Dollars annually as compensation. The President of the Board of Alders shall receive no less than Six Thousand Five Hundred (\$6,500.00) Dollars annual as compensation. The Alders may review the amount of said compensation and of compensation of the Mayor and enact revisions thereof by Ordinance. Any such Ordinance which provides for an increase in compensation or non-cash benefits for the Board of Alders shall become effective only upon approval of said Ordinance by the Electors of the City at a referendum held at the next regular municipal election, whereupon it shall become effective prior to the third year of a four-year term of office or at the next term of the Alders in accordance with the State Constitution.

(4)

Four- year terms for Mayor, City Town Clerk, Alders and Registrars;

The four years terms for these offices will take place in the 2027 municipal election. In addition, as stated in item (2), above, there will be a transitional two-year term for one member of the Board of Education.

Article II, Sec. 6.B Date of Elections; Term of Office.

(1) The Mayor, members of the Board of Alders and the City Clerk shall be elected at the regular City election to be held on the first Tuesday after the first Monday of November 2025 for a term of two (2) years from the first (1st) day of January 2026; and on the first Tuesday after the first Monday of November 2027 for a term of four (4) years from the first (1st) of January 2028 and quadrennially thereafter;

(2) The elected members of the Board of Education shall have a term of four (4) years; with the exception of the transitional two (2) year term commencing on the first (1st) day of January 2026, as set forth in §3.A (3) (b) of Article VII of this Charter.

The Registrars of Voters shall be elected at the regular City election to be held under the provisions of this Charter on the first Tuesday after the first Monday of November, 1996, for a term of four (4) years from the first (1st) day of January next, and quadrennially thereafter. Elected Officials specified; date of elections; term; vote required; special elections

(5)

Maintain the same number of Alders on Board and Commissions when all Alders are of the same party.

The following provisions permit the appointment, assignment or election of Alders from the same political to various Boards and Commissions in the event there is no minority party representation on the Board. They may not be entitled to a full complement of members if their participation would induce a violation of the minority party representation statutes and the political balance on the Board or Commission.

Article IV, Sec. 2.A (2) (the rules of the Board shall authorize:) ...the appointment of an Alder selected under this section to serve in lieu of a representative of a minority party on any Board or commission which requires said appointment, in the event the Board is comprised of only members one political party; notwithstanding the foregoing, said appointment shall not circumvent the provisions of the General Statutes and this Charter pertaining to minority party representation. The Mayor shall make appointments to Board and Commissions mindful of the need for full representation of the Alders, in accordance with §1.A of Article VII of this Charter.

Article VI, Sec. 4.C Litigation Settlement Committee. There shall be a litigation settlement committee consisting of the Mayor, the Controller, the coordinator for administration appointed by the Mayor, or their designees, two (2) members of the Financial Review and Audit Commission who shall not be of the same political party, elected by their fellow commissioners, and two (2) members of the finance committee of the Board of Alders elected by their fellow Alders in accordance with the provisions of §2.A(2) of Article IV of this Charter. Neither the Corporation Counsel, nor any deputy or assistant Corporation Counsel, may enter into a settlement on behalf of the City of any matter in litigation, the result of which would bind the City to make a payment in excess of five thousand dollars, or such greater amount as the Board of Alders may approve from time to time, unless said settlement has been approved by the litigation settlement committee.

Article VII, Sec. 1.A(2). At the time of appointment, the Mayor or other appointing authority shall determine the maximum number of members of any political party who may be appointed to such body at the time of appointment. In this respect, the Mayor is required to take into account the provisions of Article IV, Sec. 2.A(2) of this Charter to ensure that the Board of Alders will remain entitled to be fully represented on any such Boards and Commissions. The failure of the Mayor to comply with this requirement shall be the sole basis of disapproval of the appointment by the Board of Alders, in their sole discretion.

Article VII, Sec. 3.H(2)(a)(iv) (Parks Commission). Two (2) commissioners shall be elected by the Board of Alders, ~~on a bipartisan basis,~~ in accordance with the requirements of §2.A(2) of Article IV of this Charter, in each year.

(6)

The Charter should be updated in order to include provisions requiring all Memorandum of Understanding to be approved by Alders.

The Commission has recommended expanded the definition of “Contracts” to include all forms of consensual agreements, as follows:

Article I, Sec. 4.H. "Contract" means all contractual relations of the City, including, without limitation, agreements, purchase contracts, personnel contracts, lease contracts, and service contracts, including but not limited to, memoranda of understanding, memoranda of agreement, letters of understanding, letters of agreement, side letters and other agreements purporting to bind the City. It is the intent of this provision that all Contracts shall be in writing in accordance with the provisions of this Charter or any Ordinance adopted hereunder. It is the intent of this provision to include any written agreements documenting consensual settlements of any claims or allegations involving the City and any third parties, whether originating in a judicial or administrative proceedings under Law, this Charter or Ordinances or pursuant to or otherwise related to rights derived from any agreement, including collective bargaining agreements.

In order to effectuate the intent of the Board o Alders to There is also a new provision that requires the Mayor to submit this expanded list of “contracts” to the Board of Alders the Commission recommends makes it explicitly clear that the Mayor is obligation to submit multi-year contracts and contracts which fall within the authorized limits established by Ordinance. At the present time the amount is \$100,000, even if the contract is for 12 months or less. The provision follows:

Article II, Sec. 2.B(6). It shall be the duty of the Mayor: ...to obtain the approval of the Board of Alders for any Contract creating a present or future obligation longer than twelve (12) months in duration or payment in excess of the authorized limit established by Ordinance. The Board of Alders is authorized to adopt such Ordinances as are necessary to effectuate this provision in accordance with the authority set forth in Article IV of this Charter, including but not limited to §4.B(1) of said Article.

(7)

Reviewing the Parks Commission lifetime memberships.

The Commission has recommended a phase out of the lifetime memberships. In short, the current members will remain on the Commission until they resign or otherwise vacate their position. The following is the recommended language:

Article VII, Sec. 3.H(2). Membership. The Board shall consist of eight (8) members.

(a) Classification of Members.

(i) Three (3) permanent or citizen commissioners of the East Rock Park Commission shall be commissioners of said Board serving on the Board as of the seventh (7th) day of November 2023. The permanent members shall be

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phased out upon the vacancy of the seat. Upon such vacancy or vacancies, the Mayor shall appoint a replacement in accordance with sub-section (iii), below;

(ii) Three (3) commissioners shall be appointed by the Mayor, for staggered terms in accordance with §3.H(2)(b) of this Article, below;

(iii) Up to three (3) commissioners shall be appointed by the Mayor, upon the vacancy of any permanent member position, for transitional appointments to full terms in accordance with the provisions of Ordinance(s) designed to facilitate the transition to the appointment of two (2) commissioners each year by the Mayor; and

(iv) Two (2) commissioners shall be elected by the Board of Alders, in accordance with the requirements of §2.A(2) of Article IV of this Charter, in each year.

(b) **Terms.** In January of each year the Mayor shall appoint one (1) commissioner (and up to two (2) per year upon the cycling off of permanent members) to hold office for three (3) years from the first (1st) day of February.

(c) **Political affiliations.** Mayoral appointments shall take into account compliance with the minority party representation provisions of the General Statutes.

(8)

Remove provisions that have timed out from the previous charter including but not limited to those related to approving ordinances concerning purchasing and department heads qualifications;

The Commission recommended extending the time-frame for the sunset of the purchasing and department head qualifications sunset provisions as set forth in Article XV, Sec. 1 and 2. The Commission also recommends retaining the exemptions regarding contracts for the Board of Alders and the City as follows

Delete Sec. 1. D and E. from Article XV "Purchasing Provisions".

Add: Article . VI Sec. 6 the following (Recommended by Counsel):

F. Exemptions from §6.E of this Article Regarding the Board of Alders. The following Contracts shall be exempt from the provisions of §6.E:

(1) Contracts for architects, engineers, land surveyors, physicians, dentists, lawyers, accountants or artists, and such other professional or technical services as the Board of Alders may provide by Ordinance; and

(2) Contracts made by the Board of Alders pursuant to §2.F of Article IV of this Charter.

G. Additional Exemptions from §6.E of this Article. The following contracts shall be exempt from the provisions of §6.E of this Article:

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(1) Contracts that can only be performed or provided by one party in the judgment of the City Purchasing Agent and the head of the department seeking the supplies, services or work;

(2) Contracts made through cooperative purchasing arrangements with other government entities when, in the judgment of the City Purchasing Agent, such contracts are in the best interests of the City and such arrangements involve competitive purchasing procedures;

(3) Contracts made in accordance with procedures approved by the Board of Alders applicable to cases of emergency involving a threat to the public health, safety or welfare; and

(4) Contracts made in a manner approved by the Board of Alders upon the recommendation of the City Purchasing Agent, where the City Purchasing Agent has advised and opined to the Board of Alders, that it would not be practicable or in the best interest of the City to proceed in the manner required by said §2.B of this Article, and where the Board of Alders shall find that making a Contract in such manner is in the best interest of the City.

(9)

Review extending the time period for the approval of nominees to Boards and Commissions from 60 days to 90 days;

The Commission recommends to increase the time-frame set forth in Article VII, Sec. 1.A(1).

(10)

Review the Mayor's request concerning residency requirements only apply to those of his appointees approved by the Board of Alders (those are the Fire Chief, Police Chief, the four coordinators, Chief Administrative Office, Controller, Community Services Administrator, and Economic Development Administrator) and the others not approved by the Board of Alders no longer be required to be resident electors.

The Commission recommended no action.

There are four additional items addressed by the Commission.

- **Traffic Authority – No Need for Action (Statute will control)**
- **Article VII, Sec. 1(2)(b). Board of Health .** At least two (2) of the members shall be doctors of medicine, from an accredited school of medicine, ~~and who shall each have not less than five (5) years of experience in any or all of the following: Clinical medicine, public health administration, or college or university teaching in any branches of medical sciences.~~

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- **Article VI. CRC requests BOA recommendation pertaining to transfer of certain departments to the Code of Ordinances.**
- **Article VII. CRC requests BOA recommendation pertaining to transfer of certain Boards and Commissions to the Code of Ordinances.**

As you are aware the Board of Alders now has up to forty-five days to review this document prior to a public hearing. You must then act upon the Draft Report within fifteen days following the final public hearing.

We look forward to the conferral meeting and working with you now that the ball is in your court.

Respectfully submitted,

NEW HAVEN CHARTER REVISION COMMISSION

By: _____
Michael Smart
Chair