

CRC MEETING NOTES: 051023 (REDLINES)

BOA#1 Gender Neutrality

BOA#2

Article VII, Sec. 1. Boards and Commissions Established by the Charter.

A. The Board of Education¹.

(1) **Composition**². 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.

(2) Term of Office.

(a) **Appointed Members**³. 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 fall⁴.

(b) **Elected Members**⁵. One (1) member elected, by Education District (as set forth in §§3 and 4 of Article II of this Charter), 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 shall be elected by Education District on the first Monday in November 2025 shall serve for a term of two (2) years serve for a term of two (2) years and shall, then, 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

¹ Current Article XXIX entitled "Department of Education".

² NEW (2013).

³ 2023 modification of current Sec. 3.A(3)(a) derived from 2013 modification and recodification of then §149 (Second sentence), in lieu of the following: "Effective on January 1, 2014, On or before the first (1st) day of September, 2014 and in every year thereafter the Mayor shall submit, to the Board of Alders, nominees for appointment to fill the vacancies about to occur in positions on said board 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 from the third Monday of September following their appointment".

⁴ 2023 repeal of Sec. 3.A(3)(a)(i) entitled "Transition Provision regarding the terms of Appointed Members of the Board of Education" (2013).

⁵ 2023 modification of Sec. 3.A(3)(b) (2013).

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quadrennially thereafter, The composition of the Districts is subject to the provisions of §§3 and 4 of Article II of this Charter⁶.

(3) Student Representation⁷. 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 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.

B. CLEAN VERSION: The Board of Education⁸.

(1) Establishment⁹. 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) Composition¹⁰. 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.

(c) Appointed Members¹¹. On or before the first (1st) day of September, 2014 and in every year thereafter, where

⁶ 2023 repeal of Sec. 3.A (3)(b)(i) entitled "Transition Provision regarding the terms of the Elected Members of the Board of Education" (2013), with the exception of the sentence pertaining to the creation of Districts, which is now incorporated in Sec. 3.A (3)(b).

⁷ 2023 recodification of Sec. 3.A.(2)(a) derived from the 2013 revision.

⁸ Current Article XXIX entitled "Department of Education".

⁹ 2023 edit of Sec. 3A.(2). 2013 modification and recodification of current §148 (First sentence) entitled "Department, board established; authority to determine school boundaries", as follows: "**(1) Establishment.** There shall be in the City of New Haven 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 be under the management and control of a Board of Education shall consisting of the Mayor, and seven (7) members appointed as follows: five (5) by the Mayor, The transition provision entitled "Transition Provision regarding the terms of Appointed Members of the Board of Education" is repealed. (2023). subject to approval by the Board of Alders; and two (2) elected by district, as set forth in §3 of Article II of this Charter. **(3) No Compensation.** The members who shall serve without compensation". See, Amend. of 7-1-93.

¹⁰ NEW (2013).

¹¹ 2023 modification of current Sec. 3.A(3)(a) derived from 2013 modification and recodification of then §149 (Second sentence), in lieu of the following: "Effective on January 1, 2014, on or

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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 fall¹².

(d) Elected Members¹³. One (1) member elected, by Education District (as set forth in §§3 and 4 of Article II of this Charter), 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 shall be elected by Education District on the first Monday in November 2025 shall serve for a term of two (2) years serve for a term of two (2) years and shall, then, 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, The composition of the Districts is subject to the provisions of §§3 and 4 of Article II of this Charter¹⁴.

(4) Student Representation¹⁵. 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 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.

before the first (1st) day of September, 2014 and in every year thereafter the Mayor shall submit, to the Board of Alders, nominees for appointment to fill the vacancies about to occur in positions on said board 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 ~~from the third Monday of September following their appointment~~".

¹² 2023 repeal of Sec. 3.A(3)(a)(i) entitled "Transition Provision regarding the terms of Appointed Members of the Board of Education" (2013).

¹³ 2023 modification of Sec. 3.A(3)(b) (2013).

¹⁴ 2023 repeal of Sec. 3.A (3)(b)(i) entitled "Transition Provision regarding the terms of the Elected Members of the Board of Education" (2013), with the exception of the sentence pertaining to the creation of Districts, which is now incorporated in Sec. 3.A (3)(b).

¹⁵ 2023 recodification of Sec. 3.A.(2)(a) derived from the 2013 revision.

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BOA #3

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.

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BOA #4

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 thereafter¹⁶;

(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.

(3) 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 thereafter¹⁷. Elected Officials specified; date of elections; term; vote required; special elections.

¹⁶ 2013 recodification of current §9 (Second sentence of first paragraph). The two year term for Mayor and clerk is derived from Sp. L. 1899, p. 392, § 6; Sp. L. 1901, p.1114, § 3; Sp. L. 1911, p. 605, § 1; and, Sp. L. 1923, p. 505, § 1. The two year term for Board of Aldermen is derived from Sp. L. 1899, p. 392, § 7; Sp. L. 1905, p. 909, § 2; Sp. L. 1911, p. 605, § 2; and, Sp. L. 1923, p. 506, § 2.

¹⁷ 2013 recodification of current §9 (Third sentence of first paragraph). See, fn immediately, above.

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CLEAN VERSION

B. Elected Officials¹⁸. From and after the effective date of this Charter the following Public Officials of the City and town shall be elected, viz.: the Mayor, members of the Board of Alders, Registrars of Voters, City Clerk and two (2) members of the Board of Education, elected by district.

C. Date of Elections; Term of Office¹⁹.

(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 thereafter²⁰;

(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.

(3) 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 thereafter²¹.

¹⁸ 2023 edit of Sec. 6.A which represents a 2013 recodification of current §9 (First sentence of first paragraph). See, Amend. of 7-1-93.

¹⁹ 2026 revision.

²⁰ 2013 recodification of current §9 (Second sentence of first paragraph). The two year term for Mayor and clerk is derived from Sp. L. 1899, p. 392, § 6; Sp. L. 1901, p.1114, § 3; Sp. L. 1911, p. 605, § 1; and, Sp. L. 1923, p. 505, § 1. The two year term for Board of Aldermen is derived from Sp. L. 1899, p. 392, § 7; Sp. L. 1905, p. 909, § 2; Sp. L. 1911, p. 605, § 2; and, Sp. L. 1923, p. 506, § 2.

²¹ 2013 recodification of current §9 (Third sentence of first paragraph). See, fn immediately, above.

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BOA #5

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.

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BOA #6

APPROVED

Article I, Sec. 4.H. "Contract²²" 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.

Article II, Sec. 2.B(6). It shall be the duty of the Mayor: ...to submit to the Board of Alders prior to execution, commencing on the first (1st) day of January 2024, all Contracts that have fiscal impact on the City. The Board of Alders are authorized to adopt such Ordinances necessary to effectuate this provision in accordance with the authority set forth in Article IV, §4.B(1) of this Charter²³.

Article III, Sec. 2.B(3). To sign (a) together with ~~the City Treasurer~~ any other official required to sign, all bonds and other instruments evidencing City indebtedness; (b) all deeds and all written Contracts of the City approved by the Board of Alders (in accordance with this Charter and any Ordinance adopted hereunder), unless otherwise provided in this Charter; and (c) all deeds and Contracts of any Department, Board or Commission of the City in accordance with authority conferred upon them by this Charter or by the Ordinances, or otherwise by Law; provided, the facsimile signature of the Mayor is authorized on all bonds issued by the City.

Article II, Sec. 2.B(6). It shall be the duty of the Mayor: ...to submit to the Board of Alders prior to execution, commencing on the first (1st) day of January 2024, all Contracts that have fiscal impact on the City. The Board of Alders are authorized to adopt such Ordinances necessary to effectuate this provision in accordance with the authority set forth in Article IV, §4.B(1) of this Charter²⁴.

The term "Contract" is capitalized throughout the document.

PROPOSED ALTERNATE

Article I, Sec. 4.H. "Contract²⁵" 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

²² NEW (2023).

²³ NEW (2023).

²⁴ NEW (2023).

²⁵ NEW (2023).

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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.

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 Article²⁷.

²⁷ NEW (2023).

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BOA #7 (BOARD OF PARK COMMISSIONERS)

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 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.

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BOA #8

Article XV. Sunset Provisions.

Sec. 1. Purchasing Provisions. A. Transition Provision Regarding Purchasing. Until the effective date of the procurement ordinance required by §4.F of Article VI of this Charter, matters pertaining to purchasing and bidding procedures shall be subject to the provisions of §1.B - H of this Article. In accordance with the Charter revisions approved in 2013, the Mayor shall appoint a task force for the purpose of preparing such ordinance for adoption. Said task force (following consultation with the City Purchasing Agent) shall report a proposed ordinance to the Mayor and Board of Alders within six (6) months from the adoption of this Charter. The pertinent provisions of §1.B - H of this Article shall remain in full force and effect until the effective date of the replacement Ordinance. Upon the effective date of the Ordinance the pertinent provisions of §1.B - H of this Article shall be null and void, unless otherwise set forth in the replacement Ordinance.

Sec. 2. Department Head Qualifications. A. Transition Provision Regarding Department Head Qualifications. Until the effective date of the ordinance(s) required by §2.C of Article VI of this Charter, matters pertaining to the qualifications of Department Heads shall be subject to the provisions of this section. In accordance with the Charter revisions approved in 2013, the Mayor shall instruct the Personnel Director to commence the process of preparing a report delineating Department Head Qualifications as required by this Charter. The Mayor shall (following consultation with the Personnel Director) propose such modifications and recommendations to the Board of Alders within six (6) months from the adoption of this Charter. The pertinent provisions of §2.B (1) – (17) of this Article shall remain in full force and effect until the effective date of the replacement Ordinance. Upon the effective date of the Ordinance the pertinent provisions of §2.B. (1) – (17) of this Article shall be null and void, unless otherwise set forth in the replacement Ordinance.

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.

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BOA #9

Article VII, Sec. 1.A (1). Moreover the Mayor shall fill, by appointment, any vacancy in any Board or Commission in which the Mayor is given the power to appoint the incumbent of such office, subject to approval by the Board of Alders; however, if the Mayor fails to propose a candidate for a vacancy on a Board or Commission within sixty (60) Days following the effective date of that vacancy, then the Board of Alders may fill the vacancy within ~~sixty (60)~~ ninety (90) Days thereafter by a majority vote of the members of the Board of Alders, present. If the Board of Alders fails to fill the vacancy, then the remaining members of the Board or Commission in which the vacancy exists may fill the vacancy by appointment.

BOA #10

Residency Issue – No Action

- **Article II, Sec. 12.B. Appointed Officials.** Every Appointed Public Official shall be an Elector of said City, unless otherwise set forth by Law or in this Charter, as may be otherwise prescribed in accordance with the provisions of §12.D of this Article.
- **Traffic Authority – No Need for Action (Statute will control)**
- **Article VII, Sec. I(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."~~
- **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.