



# City of New Haven

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## Master

File Number: OR-2024-0007

File ID: OR-2024-0007

Type: Ordinance

Status: Enacted

Version: 4

Reference:

In Control: City Clerk

File Created: 02/01/2024

File Name:

Final Action:

**Title:** ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS ESTABLISHING AN EXCEPTION TO THE ELECTOR REQUIREMENT OF THE CHARTER AND CITY RESIDENCY FOR THE INCUMBENT COORDINATORS.

Notes:

OLS Staff:

Effective Date:

Related Files:

### History of Legislative File

| Ver-<br>sion: | Acting Body:  | Date:      | Action:               | Sent To:                 | Due Date: | Return<br>Date: | Result: |
|---------------|---|------------|-----------------------|--------------------------|-----------|-----------------|---------|
| 2             | Board of Alders   | 01/16/2024 | Referred              | Legislation<br>Committee |           |                 |         |
|               | Action Text: This Ordinance was Referred to the Legislation Committee   |            |                       |                          |           |                 |         |
| 3             | Legislation Committee   | 02/07/2024 | Favorable Report      | Board of Alders          |           |                 |         |
|               | Action Text: This Ordinance was Favorable Report to the Board of Alders |            |                       |                          |           |                 |         |
|               | Notes: as amended   |            |                       |                          |           |                 |         |
| 3             | Board of Alders   | 02/20/2024 | Noted                 |                          |           |                 |         |
|               | Action Text: This Ordinance was Noted                                   |            |                       |                          |           |                 |         |
| 4             | Board of Alders   | 03/04/2024 | Adopted As<br>Amended |                          |           |                 |         |
|               | Action Text: This Ordinance was Adopted As Amended                      |            |                       |                          |           |                 |         |
|               | Notes: Amended by substitution on the floor                             |            |                       |                          |           |                 |         |

### Text of Legislative File OR-2024-0007

ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS ESTABLISHING AN EXCEPTION TO THE ELECTOR REQUIREMENT OF THE CHARTER AND CITY RESIDENCY FOR THE INCUMBENT COORDINATORS.

WHEREAS, the Charter, in Article II, §12.B and C, permits exceptions to the default or general rule by ordinance to establish a standard to allow an exception to the Charter default provision requiring Incumbent Coordinators to be Electors of the City;

WHEREAS, 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;

WHEREAS, the ordinance is designed to establish a standard of necessity and not convenience; and

WHEREAS, 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 eligible to vote.

NOW, THEREFORE, BE IT ORDAINED by the New Haven Board of Alders that Section 2-221 is added to Chapter 2, Art. IV, Division 1 of the New Haven Code of Ordinances as follows below.

..ordinance

#### DIVISION 1. GENERALLY

##### Section 2-221

(a) Incumbent Coordinator Defined. As set forth in Article III, 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. As used in this section, "Incumbent Coordinator" shall be defined as an individual who has served in the Coordinator role for twelve (12) months following confirmation by a vote of the Board of Alders or as deemed to be approved in accordance with the Charter ("Effective Date").

(b) General Rule. Each Incumbent 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. An Incumbent Coordinator who has served in office for a period of time in excess of twelve (12) months following the Effective Date of his or her appointment and is in compliance with the Elector requirement of the Charter may qualify for an

exception to the Elector requirement of the Charter. In order to do so the Incumbent Coordinator shall be required to demonstrate a critical need or extraordinary hardship due to exceptional circumstances, beyond the control of the Incumbent 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 Incumbent 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 Incumbent 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 Incumbent Coordinator, the Incumbent 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 entire membership of the Board of Alders, eligible to vote.
- (2) Continuing Residency Requirement. Notwithstanding the foregoing, approval of the exception is subject to the continuing requirement for the Incumbent 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.

Secs. 2-222-2-240. Reserved.

Substitute Amendment

Legislation Committee. Favorable.

..title

ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS ESTABLISHING AN EXCEPTION TO THE ELECTOR AND CITY RESIDENCY REQUIREMENTS OF THE CHARTER FOR THE INCUMBENT COORDINATORS.

..body

**Whereas**, the Charter, in Article II, §12.B and C, permits exceptions to the default or general rule by ordinance to establish a standard to allow an exception to the Charter default provision requiring Incumbent Coordinators to be Electors of the City;

**Whereas**, 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;

**Whereas**, the ordinance is designed to establish a standard of necessity and not convenience; and

**Whereas**, 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.

**NOW, THEREFORE, BE IT ORDAINED** by the New Haven Board of Alders that Section 2-221 is added to Chapter 2, Art. IV, Division 1 of the New Haven Code of Ordinances as follows below.

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DIVISION 1. GENERALLY

Section 2-221

(a) **Incumbent Coordinator Defined.** As set forth in Article III, 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. As used in this section, "Incumbent Coordinator" shall be defined as an individual who has served in the Coordinator role for twelve (12) months ~~and has been confirmed following confirmation~~ by a vote of the Board of Alders ~~or as deemed to be approved in accordance with the time of the enactment of this ordinance amendment.~~ Charter ("Effective Date").

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<sup>1</sup> Note: Deemed approved if the Board of Alders fails to act within 90 days of submission of the nomination by the Mayor. Article IV, Sec. 1.A(3)(b)

## Substitute Amendment

(b) **General Rule.** Each Incumbent Coordinator shall be an Elector of the City within six months following the ~~effective date~~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.** An Incumbent Coordinator who has served in office for a period of time in excess of twelve (12) months following the ~~effective date~~Effective Date of his or her appointment (~~"Incumbent Coordinator"~~)and is in compliance with the Elector requirement of the Charter, may qualify for an exception to the Elector requirement of the Charter. In order to do so the Incumbent Coordinator shall be required to demonstrate a critical need or extraordinary hardship due to exceptional circumstances, beyond the control of the Incumbent 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 Incumbent 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 Incumbent 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 Incumbent Coordinator, the Incumbent 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

## Substitute Amendment

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 Incumbent 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.

**Secs. 2-222—2-240. Reserved.**





# City of New Haven

## Signature Copy

Ordinance: OR-2024-0007

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Secs. 2-222-2-240. Reserved.

This Ordinance OR-2024-0007 was enacted by Board of Alders on 3/4/2024

Attest, City Clerk



Date

2/20/2024

Signed, City Clerk



Date

3/22/2024

Signed, Mayor



Date

4/5/2024