

Legislative Reform: Disclosure, Accountability and Compliance

Outline of the Ordinance Re – Disclosure, Accountability and Compliance

Purpose: To require the disclosure to the Board of Alders of all written and oral “side agreements” including but not limited to agreements, memoranda of understanding, letters of understanding, side letters and the like negotiated by the Mayor or his or her designees related to the terms and conditions of employment and any benefits related thereto, including, but not limited to retirement or pension enhancements, for classified and unclassified personnel whether or not they require approval by any other public agency of the City under the Charter, Special Acts or Ordinances of the City. Moreover, the ordinance also requires submission to the appropriate public agency under the Charter, Special Acts or Ordinances of the City of such agreements, including but not limited to the Board of Alders, Litigation Settlement Committee and the various and sundry pension boards or commissions with fiduciary authority over pension funds. The ordinance recognizes the authority under granted to the chief executive officer of the City under C.G.S. §7-474(a) as the representative for the purposes of negotiating agreements; however, clarifies that the authority to negotiate does not confer the authority to enter a final binding agreement, if other legal requirements are required by local law

ORDINANCE RE – DISCLOSURE, ACCOUNTABILITY AND COMPLIANCE WITH LOCAL APPROVAL PROCEDURES

1. Chapter 2, Art. III, Division 1 of the New Haven Code of Ordinances is amended by adding Section 2-61, as follows:

(a) **Agreement Defined.** As used in this section the term

(1) “Action or Approval of a Public Agency” shall mean actions or approvals required by the General Statutes or the Charter, Special Acts or the Ordinances of the City, including, but not limited to transfers of funds by the Board of Alders, approval of a settlement by the Litigation Settlement Committee¹, acceptance of proposed modifications of or enhancement of pensions funds by the respective fiduciaries.

¹ 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, who shall not be of the same political party, elected by their fellow Alders. 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

(2) "Agreement(s)", whether in writing or oral shall include but not be limited to contracts, memoranda of understanding, letters of understanding, side letters and the like.

(3) "Disclosing Official or Agency" or "Submitting Official or Agency" shall include any designee of the Mayor, officer, employee, department, board, commission or agency, as defined in Ord. §1-2(15) of this Code, including but not limited to the trustees of any municipal employee pension funds.

(b) **Legislative Finding.** The authority of the Mayor as the chief executive officer of the City to negotiate on behalf of the City, including but not limited to the authority granted under C.G.S. §7-474(a), does not confer the authority to enter a final binding agreement, the actions of another public agency are required to effectuate such agreement.

(c) **Disclosure.** The Mayor and any other Disclosing Official or Agency shall report and disclose to the Board of Alders all agreements, as defined in Sec. 2-61(a), above, to the terms and conditions of employment and any benefits related thereto, including, but not limited to retirement or pension enhancements, for classified and unclassified personnel whether or not they require approval by any other public agency of the City under the General Statutes or the Charter, Special Acts or Ordinances of the City.

(d) **Compliance.** In the event the agreement requires the Action or Approval of a Public Agency for any reason whatsoever the Mayor and any Submitting Official or Agency shall submit said Agreement to the appropriate public agency for such action in accordance with all legal requirements. All requests shall include, unless not deemed necessary by the appropriate Public Agency, (1) any actuarial cost benefit impact studies; (2) legal opinions as to whether or not there is consistency with the Plan; (3) an opinion from the Corporation Counsel in terms of potential or on-going litigation; (4) an evaluation of the chance of a court-ordered award; and (5) the opportunity to vote on the matter prior to final agreement.

2. Chapter 2, Art. III, Division 4 of the New Haven Code of Ordinances is amended by modifying Section 2-152(b), as follows:

Upon obtaining the mayor's written consent, and the litigation settlement committee's approval, the corporation counsel shall have the authority to settle, adjust or compromise any appeal, action or suit brought by or against the city, or to which the city is a party, including but not limited to administrative proceedings and grievances required by law or contract or any determinations by the Mayor or any officer, employee, department, board, commission or agency, as defined in Ord. §1-2(15) of this Code, including but not limited to the trustees of any municipal employee pension funds.

3. Title II – Special Laws, Art. XIII, of the New Haven Code of Ordinances is amended by modifying Section 273(1), as follows:

There shall be established in the city of New Haven a reserve fund for the city's self-insurance plan, the purpose of which shall be to equitably provide for the payment of claims against the city arising out of its compensation and public liability, including settlements as set forth in section 278.

4. Title II – Special Laws, Art. XIII, of the New Haven Code of Ordinances is amended by modifying Section 278, as follows:

Said fund shall be used pursuant to section 279 hereinafter for the payment of any judgment, compromise, adjustment, award, or settlement under a voluntary agreement of compensation, including but not limited to workers' compensation agreements, memoranda of understanding, memoranda of agreement, letter of agreement, that may be entered into between the city of New Haven and a claimant and approved by the litigation settlement committee and such other entities whose approval is required by law, pertaining to (a) ~~which is based upon~~ a claim causing compensable injury and which arose in and is chargeable to a year preceding the year of withdrawal; (b) any judgment, compromise, adjustment, award, or settlement that may be entered into between the city of New Haven and a claimant which is based upon the city's public liability responsibility and under a claim which arose and is chargeable to a year preceding the withdrawal; (c) the payment of compensation or public liability claims within the current year aggregating in damages an amount greater than remains in the general fund appropriations for such purposes; or (d) for legal services, when such services shall be provided by persons other than the corporation counsel and his assistants and when such services shall be obtained pursuant to the charter and ordinances, and expert witness services engaged by the city, upon the recommendation of the corporation counsel which the litigation settlement committee may deem an emergency or a necessity involved in the efficient and expeditious carrying out of the city's self-insurance plan.