

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 or other City officials or agencies 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 (for action or consultation) to the appropriate public agency in cases where the Charter, Special Acts or Ordinances of the City require the approval or other action on such agreements, by, for example, the Board of Alders, Litigation Settlement Committee as well as agencies or boards charged with the management and administration of municipal employee 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 or other required approvals by the Board of Alders; approval of a settlement by the Litigation Settlement Committee; or, determinations, decisions, settlements or interpretations pertaining to the administration of pension funds by the appropriate agency or board.

(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, agencies or boards charged with the management and administration of 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, in the event the action or approval of another public agency is required to effectuate such agreement. Moreover, in accord with the provisions of Ord. §1-2(15) of this Code: "Whenever the title of an officer, employee, department, board, commission or agency is given, it shall be construed to refer to an officer, employee, department, board, commission or agency of the City of New Haven."

(c) **Disclosure.** The Mayor and any other Disclosing Official or Agency shall report and disclose to the President, Majority and Minority Leaders (or, the third officer, as may be required by the Charter) of the Board of Alders (the "Review Committee") all Agreements, as defined in Sec. 2-61(a), above, including but not limited the terms and conditions of employment and any benefits, 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. The terms of any oral agreement shall be reduced to writing by the Disclosing Official or Agency, as defined herein. Agreements pertaining to confidential matters or the privacy rights of individuals as required or permitted by federal or state law may be redacted in order to protect the identity of the employee entitled to the protections afforded by law. Said disclosure shall be made within thirty-six (36) hours of the completion of said agreement. Decisions for further public disclosure, including continuing compliance with confidential provisions therein, is within the discretion of the Review Committee.

(d) **Compliance.** In the event any Agreement, as defined in Sec. 2-61(a), above, requires the Action or Approval of another 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 Review Committee: (1) any actuarial cost benefit impact studies; and, (2) an opinion from the Corporation Counsel addressing the legal issues involved in the agreement, including, but not limited to the potential of averting litigation and the likelihood of a judicial or administrative award.

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, decisions, settlements or

interpretations by the Mayor or any officer, employee, department, board, commission or agency, as defined in Ord. §1-2(15) of this Code.

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) 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.