

CHARTER REVISION COMMISSION CITY OF NEW HAVEN

August 1, 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: Final Report and Submission of the Charter Revision Commission

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

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Pursuant to §7-191(c) of the Connecticut General Statutes, the 2023 New Haven Charter Revision Commission is pleased to submit to you this Final Report of the Charter Revision Commission, dated July 26, 2023. This final report is the culmination of a Charter Revision Commission process that began with an organizational meeting and statutory public hearing on January 30, 2023 and continued with eleven additional working committee meetings, hearing on February 9, 2023 and a second statutory hearing on May 9, 2023. The final meeting adjourned on May 9, 2023.

The CRC approved our Draft Proposed Revised Charter for submission to the Board of Alders on May 15, 2023. The Committee of the Whole recommended changes to the Commission on June 29, 2023 and the Commission conducted a conferral meeting with the Board of Alders on July 6, 2023 to discuss the recommendations. The CRC meet on July 11th and 26th to discussed and make the changes recommended. The Final report includes the recommendations as follows:

BOA Rec. #1: Revise Articles VI and XV of the Charter for the purpose of establishing departmental and administration functions while moving organizational structures to the Code of Ordinance, where practicable (review and continue to refine Charter Counsel draft language. The Final Report ratifies your recommendation by moving the Charter from a department-based to a more function-based document.

BOA Rec. #2: Consider alteration of current Charter-based “residency” or “Elector” standard for employment of Department Heads and other key city positions to allow for a discretionary standard to be addressed by Ordinance (Article II, §12.B, C and D). Again, the Final Report retains the “Elector” standard as the default. Under you recommendation as approved the City can modify the default standard by Ordinance of by waiver.

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

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BOA Rec. #3: Revise Articles VII and XV of the Charter (a) retaining specified Boards and Commissions in the Charter; (b) mandating the creation of others by Ordinance; and, (c) generally creating a policy of establishing Boards and Commission by Ordinance (review and continue to refine Charter Counsel draft language – Article VII, Sec. 2.A(1)). This is a companion to BOA Rec. #1. The Commission agrees that with the exception of those Boards and Commissions contained in the Charter that Boards and Commissions should be created by Ordinance. We also believe that terms of office of members should be finite and fixed terms.

BOA Rec. #4: Reconsider the phase-out of lifetime memberships, as set forth Article XV Sec. 3.F(2) of the Draft Charter and develop a recommendation establish a Parks Commission by Ordinance populated by members subject to “finite” terms of office and, thereby, eliminates “permanent members”. The CRC has agreed that the Parks Commission will be subject to revision when the Board of Alders drafts an Ordinance to replace the current provisions contained in Article XV of the Charter; subject to the provisions pertaining to the governance of Boards and Commissions.

BOA Rec. #5: Reconsider restoration and clarification of current language pertaining to bi-partisan representation on Boards and Commissions by Alders. The Final Report retains the provisions that are currently in the Charter regarding representation of the Board of Alders on Boards and Commissions.

BOA Rec. #6: Sec.12.D pertaining to waivers for Departments Heads and Board and Commission members to determine the source of legal authority for the provision and to retain or modify the provision and other related provisions accordingly. The Final Report retains the language as set for in the waiver provision of the Charter with the added proviso: “if permissible under Law.” In other words, it is the belief of the CRC that the General Assembly must consider an express grant of authority to provide the City with the authority to waive the Elector requirement for Boards and Commissions.

I would also like to remind you that the Final Report includes may outstanding initiatives requested by the Board of Alders in the initial charge to the Commission:

1. Gender Neutrality.
2. Correction of Charter language pertaining to the number and terms of the members of the Board of Education to accurately reflect the current terms of office.
3. Increasing compensation for the Board of Alders to \$5,000 for Alders and \$6,250 for President and including an increase tied to cost-of-living increases from the levels set in the early 1990s.

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4. Four-year terms for Mayor, City Town Clerk, Alders, Board of Education and Registrars commencing in the 2027 municipal election cycle.
5. Include Charter provisions requiring all Memorandum of Understanding to be approved by Alders. The proposed language aligns the Charter with legal standards in the State of Connecticut regarding the legislative role in the approval of contracts. This doesn't alter the status quo; it simply documents the standard clearly and unequivocally. In order to avoid any doubt in the future for those who might try to circumvent legislative authority, the Charter will include a comprehensive definition of the term "Contract" in order to include all forms of consensual agreements,

In order to effectuate the expanded definition, the revised Charter will explicitly set forth authority that already exists elsewhere in the Charter and under Law. The language which follows reiterates the requirement of the Mayor to submit "contracts" to the Board of Alders. The Commission recommendations makes it explicitly clear that the Mayor is obligated 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.

6. The time-frame for the sunset of the purchasing and department head qualifications sunset provisions that were adopted in 2013 as set forth in Article XV, Sec. 1 and 2 have been extended to coincide with new sunset provisions dealing with Departments, Boards and Commissions. The Commission also recommends retaining the exemptions pertaining to procurements for the Board of Alders and the City.
7. The Commission recommends to increase the time-frame set forth in Article VII, Sec. 1.A(1).for the approval of nominees to Boards and Commissions from 60 days to 90 days.
8. There were also a number of incidental revisions which constitute scrivener's corrections and errata noted throughout the Charter that will be published within thirty (30) days of approval by the Board of Alders. One of the more notable changes was a modification of the qualifications of the "doctors of medicine" who serve on the Board of Health.

I am grateful that you have entrusted me to serve as Chair of this Commission for a second time. With this transmittal the duty shifts to the Board of Alders for final

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action. If you approve the Charter you will need to approval a question or questions for the ballot in November of 2023. The choice is entirely within your discretion.

However, I would ask that your approval resolution authorize the City and Town Clerk to:

1. Publish the proposed revised charter in a newspaper having general circulation in the municipality with a notice that a complete copy of the charter is available in the City Clerk's office and that a copy shall be mailed to any person who request a copy, as required by C.G.S. §7-191(d) and, moreover, a copy of said charter shall be available on the website of the Town; and,
2. Prepare and publish, pursuant to C.G.S. §9-369b(a), an explanatory text specifying the intent and purpose of the Final Report that is the subject of the ballot question that will be voted upon on November of 2023. The Clerk should utilize the services of Charter Counsel; however, the final text is subject to approval of the Corporation Counsel.

Finally, I would request that you authorize the Corporation Counsel and Charter Counsel to continually review the document for errata and non-substantive editorial revisions through newspaper publication

I look forward to assisting you in any way I can as you move toward the final steps in the process.

Respectfully submitted,

NEW HAVEN CHARTER REVISION COMMISSION

By: _____
Michael Smart