

Proposed Revision of
The Charter of the City of New Haven

To be voted on in the City of New Haven
in the Election to be held on
Tuesday, November 7, 2023



Justin Elicker
Mayor

Tyisha Walker-Myers
President, Board of Alders

Michael Smart
City and Town Clerk

**PROPOSED REVISION OF THE
CHARTER OF THE CITY OF NEW HAVEN
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IN THE ELECTION TO BE HELD
ON TUESDAY, NOVEMBER 7, 2023**

Pursuant to §9-369b(a) of the Connecticut General Statutes (C.G.S.), as amended, the following is a summary of the proposed amendments to the Charter of the City of New Haven, in accordance with C.G.S. §7-188. Said proposals were prepared by the New Haven Charter Revision Commission and approved for submission to the electorate by the Board of Alders. The proposed revision of the Charter was published, in its entirety, in the **New Haven Register** on September 6, 2023. The proposed Charter is available at the following: <https://tinyurl.com/newhavencharterchanges>.

There is one local Question on the Ballot. If a majority of the electors voting on this proposed revision of the Charter approve same, it shall become the City's Charter.

Attest: _____
Michael Smart
City and Town Clerk

BALLOT QUESTION

Shall Charter changes as recommended by the Charter Revision Commission and adopted by the Board of Alders be approved and adopted?

Explanation. The proposed revisions of the Charter include a variety of issues raised by the Board of Alders in the resolution creating the Commission. Some of the changes may be considered updates to a document that remains tethered to the original Special Acts from the 19th century, such as gender neutrality in the language, clarifying issues pertaining to the composition of the Board of Education, updating the compensation of the Board of Alders, the composition and changes to the time frame for approval of Board and Commission members. Other changes are more significant, such as the four-year term of office for Mayor and Board of Alders and the shifting of mandated Departments and Boards and Commissions from the Charter to the Code of Ordinances. This revision represents an effort to continually update the Charter so that it will be more understandable and accessible to the residents of the New Haven and more effective in meeting the needs of City government.

Voters are urged to read these remarks as they explain the proposed revisions in greater detail than any ballot question can possibly do. Moreover, there is no substitute for taking the time to read the proposed revision in its entirety in order to draw your own conclusions on the content of the revisions. The proposal has been published in the **New Haven Register** and is also available on the link provided above. All the proposed changes as outlined below are combined into one question and, thus, there is no opportunity to approve or reject the individual proposed changes. Your vote on the question is a vote on the entirety of the proposed revisions.

The following address some of the key provisions added or addressed in each Article:

Preamble. No changes.

Article I (Construction of the General Provisions) sets out the general provisions pertaining to the construction and interpretation of the Charter document. Included in the proposed revision is the addition of the definition “Contract” as follows:

“...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 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 (Incorporation and General Powers) includes a couple of changes with respect to the term of office for elected officials. First, the term of office for Mayor, City Clerk and Board of Alders will be changed to a *four-year term beginning in January 2028, following the election in November of 2027* [Section 6.B(1)]. Second, the Board of Education members will have four-year terms following the 2027 election as well with an *interim two-year term of the Board of Education candidate elected in the election of November of 2025* [Section 6.B(2) and Article IV, §3.A(7)(d)]. This will result in the November 2027 election being a City-wide election, meaning that voters will be voting for all City elective offices in the same election.

In addition, while the *elector requirement remains the default for Department Heads, Deputies other officials, subject to modification by Ordinance or by waiver* under Article II, §12.D [§12.C], the *elector requirement for Board and Commission members may be waived “if permissible under Law”* [Section 12/D]. This amendment would allow the City to appoint Board or Commission members who are not electors if in the future there are changes to state law that would allow the City to make such appointments.

The proposed Charter *eliminates the separate provisions for required issuance of bonds* and consolidates the standards for the issuance of bonds and names the officials that are currently set forth in the Charter: Controller; Assistant City Treasurer, upon assuming the duties of the City Treasurer; Collector of Taxes; and, Director of Parks and Public Works. The Charter is silent on whether the issuance of bonds is required; although the elimination of the requirements implies discretion in the ordinary course of business [§13.C].

Article III (The Mayor) sets forth the responsibilities and authority of the Mayor. There were no changes except that defined terms were capitalized, including the new definition of “Contract” [§2.B(3)].

Article IV (The Board of Alders) recognizes the Board of Alders as the legislative authority as provided for and required by the General Statutes. There are several modifications. First, the time period for the Board to consider nominees for Boards and Commission is increased from sixty to ninety days [§1.A(3)(b)]. Second, officers of the Board of Alders (President, President Pro Tempore or Third Officer) will not be eligible to serve as an ex officio member of any Board or Commission [§2.A(2)]. Third, while there are no changes in the balance of legislative and Mayoral authority with respect to the City’s contractual obligations, the definition of “Contract” is changed to be consistent with the common law purview of legislative bodies in Connecticut [§4.B(1)]. Finally, the compensation for Alders has been increased in the Charter as \$5,000 for members and \$6,500 for the President, subject to cost-of-living adjustments in accordance with the requirements of the State Constitution [§7].

Article V (Other Elected Officials of the City) simply reiterates the term modifications of the elected members to be consistent with the changes in §3 of Article II and §3.1(2) of Article VII [§3].

Article VI (The City Government: Departments and Department Heads) is an overhaul of the current provisions; although it does not alter the current structure of government. , These revisions validate provisions adopted in 2013 that authorized the Mayor and Board of Alders to establish the “Departmental Functions” on a real-time basis by Ordinance, as follows [§1.C]:

“The Department Head and Other Mayoral Departmental Appointees responsible for the Departments shall have charge of the City functions set forth in this Charter and Ordinances as well as the legal affairs of the City; budget and finance; oversight, testing and management of personnel; tax collection; property assessment; procurement; management and maintenance of infrastructure, parks and public works; engineering; police, fire and other emergency services; public information and technology; public libraries; public health; youth and recreation, economic development; city plan and zoning; transportation, traffic and parking; building inspection; and public education. These officials shall have direct reporting authority to the Mayor and, may be required, as directed by the Mayor, to conduct their functions under the administrative purview of a coordinator designated by the Mayor.”

The Charter also sets forth the appointment authority of the Mayor, as follows:

Solely by Mayor [§3.A.(1)]	<ul style="list-style-type: none">• Corporation Counsel• Deputy and Assistant Corporation Counsel
By Mayor, subject to confirmation by Board of Alders [§3.A(2)]	<ul style="list-style-type: none">• The Coordinators• Chief of Police• Fire Chief
By Mayor subject to a term of Office [§3.A(3)]	<ul style="list-style-type: none">• City Controller• Director of Parks and Public Works• City Engineer• City Assessor• Director of Youth and Recreation• Director of traffic and Parking• Planning Director
By Mayor, in accordance with examination by nonpartisan board of examiners and ranking under the Rule of Three	<ul style="list-style-type: none">• City Purchasing Agent [§3.A(4)]• Building, Plumbing and Electrical Inspectors [§3.A(5)]
By Mayor, in accordance with civil service examination and ranking under the Rule of Three	<ul style="list-style-type: none">• Personnel Director [§3.A(6)]
Other Appointing Authorities	<ul style="list-style-type: none">• Director of Public Health by the Board of Public Health [§3.A(7)]• City Librarian by the Board of Library Directors [§3.A(8)]• Superintendent of Schools by the Board of Education [§3.A(9)]

The only department mandated is the Law Department and the head of the department will remain the Corporation Counsel. There are no substantive changes to the responsibilities of the Corporation Counsel. In all other cases the proposed Charter sets forth the services by function as well as by the executives charged with responsibility for those functions:

Finance Administration and Functions [§§5.A and D]

The administration of the fiscal policies of the City, including, but not limited to the: (1) keeping of accounts and financial records of the City; (2) assessment and collection of taxes, special assessments and other revenues; (3) the custody and disbursement of City funds and money; (4) control over expenditures; (5) purchase of services and materials, including insurance; (6) preparation of the Operating and Capital Budgets for submission to the Mayor, Board of Alders and other authorities otherwise provided in this Charter for the adoption of such budgets and for advising

each of the authorities when requested as to fiscal matters; (7) information and technology; and, (8) such other powers and duties as may be required by the General Statutes, this Charter, Ordinance or Order or Motion of the Board of Alders.

- Direct Report
Departments and
Department Heads**

- City Controller [§5.B and C]
 - Collector of Taxes [§5.B and E]
 - City Purchasing Agent [§5.B and F]
 - City Assessor [§5.B and G]
 - Information and Technology [5.B]

Finance Administration and Functions [§6.A(1)]

The administration and management of policies and programs relating to the operation and infrastructural needs of the City as set forth in this Charter and the Ordinances.

- Direct Report
Departments and
Department Heads**

- Personnel Director/Personnel and Human Resources [§6.A(1) and B], subject to historical transition provision in Article XV, 4.D.
 - Director of Parks and Public Works [§6.A(1) and C]
 - City Engineer [§6.A(1) and D]
 - City Librarian [§6.A(1) and E]

Administrative, Operational and Public Safety Functions [§7]

The administration and management of Police and Fire Departments.

- Departments and
Department Heads**

- Chief of Police [§7.A].
 - Fire Chief [§7.B]
 - Public Safety communications: Chief Administrative Officer [§7.C]

Community Service Functions [§8.A(1)]

The administration and management of policies and programs relating to the community service needs and functions of the City as set forth in this Charter and the Ordinances.

- Direct Report
Departments and
Department Heads**

- CSA Administration [§8.A(1)]
 - Social Services [§8.A(1)]
 - Health [§8A.1 and B], subject to subject to historical transition provision in Article XV, 4.E.
 - Youth and Recreation [§8.A(1) and C]
 - Homeless Coordination [§8.A(1)]
 - Food Systems Policy [§8.A(1)]
 - Elderly Services [§8.A(1)]
 - Community Resilience [§8.A(1)]

Economic Development Functions [§9.A(1)]

The administration and management of policies and programs pertaining to neighborhood, community and economic development planning and programs, planning and zoning, code enforcement, blight enforcement, business development and tourism, transportation, mobility and parking and such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance.

Education Functions [§10]

The administration and management of Department of Education

- Department Heads**

- Superintendent of Schools [§10.A]
 - Fire Chief [§7.B]
 - Public Safety communications: Chief Administrative Officer [§7.C]

Article VII (Boards and Commissions) includes a significant overhaul of the provisions governing the operation of Boards and Commissions. The first issue is language that clarifies the number and terms of office of the seven members of the Board of Education, including the modified term for the member elected in 2025. [§3.A(3)]. In addition, the Charter requires that an Ordinance creating a Board of Commission shall be required to include the number of Board or Commission members and “finite” terms of office [§2.A(1)]. The most significant change is the creation of two categories of Boards and Commission, those (1) “Established by the Charter” [§3]; and, (2) “Required by the Charter” [§4]. The Boards and Commissions established have structures, membership and terms that are mandated by the Charter These functions and structures may only be modified by Charter revision; although powers and functions may be added by Ordinance where consistent with the Charter mandate. The following are the Boards and Commission established by Charter:

- The Board of Education [§3.A]
- Board of Assessment Appeals [§3.C]
- City Plan Commission [§3.E]
- The Board of Ethics [§3.B]
- Civil Service Board [§3.D]
- Board of Zoning Appeals [§3.F]

The Board of Alders is required, by Ordinance, to establish the following Boards and Commissions required but not “established” by the Charter:

- Financial Review and Audit Commission [§4.A]
- Board of Fire Commissioners subject to historical transition provision in Article XV, §§3.D and E [§4.C]
- Board of Public Health, subject to historical transition provision in Article XV, 3.G [§4.E]
- Civilian Review Board [§4.G]
- Board of Police Commissioners subject to historical transition provision in Article XV, 3.C and E [§4.B]
- Board of Park Commissioners subject to historical transition provision in Article XV, 3.F [§4.D]
- Board of Library Directors, subject to historical transition provision in Article XV, 3.H [§4.F]

The final category are Boards and Commissions that may be established by Ordinance or as otherwise required by the General Statutes [§5] and the ability to consolidate the functions of Boards or Commissions “established” or “required” by the Charter “as long as the legislative record includes an opinion of the Corporation Counsel verifying that the functional requirements of the Charter will be maintained in such consolidation or merger and that the requirements of §1 and 2 of this Article have been complied with.”

Article VIII (Budgetary Procedures; Reporting; Financial Review and Audit Commission), Article IX (Improvement Bonds), Article X (Capital Projects Committee and Capital Budget), Article XI (Retirement and Pension Systems) and Article XII (certain Laws Included by reference) contain no changes with the exception of gender neutrality and other minor edits.

Article XIII (Historic and Special Act Provisions of the Charter) contains no change; with the exception of changing the word “certification” to “notification” and deleting the phrase “supernumerary police” and substituting “fire personnel” [§1.B(1)]; replacing “superintendents” with “librarians” throughout; and, adding “paraprofessionals, laborers and custodians and security officers” and “mechanics” in lieu of “laborers” [§1.E].

Article XIV (Administrative Provisions) establishes the effective date of January 1, 2024 except as otherwise set forth in the charter.

Article XV (Historical Purchasing and Department Head Qualification Provision Subject to Sunset as Authorized by the Charter) includes a number of provisions that were adopted in 2013, including historic purchase provisions which were not changed [§1]. The revision also reaffirms the provision authorizing the transfer of qualifications for Department Heads and other positions from the Charter to the Ordinances [§2]. This change will allow the Board of Alders to enact changes to job qualifications by ordinance, which will provide flexibility for the City to adapt to changing employment needs and professional standards.

Consistent with the legislative intent of the “qualifications” provisions are the new requirements for the transition of Boards and Commissions from the Charter to the ordinances [§3], as follows:

“The historical powers and duties of The Financial Review and Audit Commission; Board of Police Commissioners; Board of Fire Commissioners; Board of Park Commissioners; Board of Public Health; Board of Library Directors; and Civilian Review Board as set forth in this section shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance accompanied by (2) an opinion of an attorney, designated by the Board of Alders, certifying that (a) the functions of the pertinent section pertaining to the Board or Commission have been addressed by the Ordinance; and (b) the Ordinance complies with the administrative requirements of this Charter in particular, §1 and 2 of this Article, the pertinent provision or provisions of the Charter shall expire and may be removed from the Charter; unless otherwise specifically set forth in the Ordinance” [§3.B].

With respect to the following Boards and Commissions, there are no specific requirements with respect to composition or membership qualifications: Financial Review and Audit Commission; Board of Police Commissioners and Board of Fire Commissioners, both subject to historical transition provision in Article XV, §3.E (provisions concerning Police and Fire Commissioners); Civilian Review Board and Board of Library Directors [§§3.B,C,D, H and I]. , The Board of Park Commissioners must be established by the Board of Alders “in strict compliance with the appointment methodology; in particular the inclusion of “finite terms of office.” [§3.F]. Moreover, the qualifications for membership on the Board of Public Health, have been modified as follows: “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 of the branches of medical sciences~~” [§3.G].

Section 4 of Article XV are the historical transition provisions pertaining to current charter provisions dealing with the Finance Department [§4.B]; Collector of Taxes [§4.C]; Personnel Director [§4.D]; Director of Health [§4.E]; and Director of Transportation, Traffic and Park [§4.F], as follows:

“The historical powers and duties of following departments as set forth in this section shall remain in full force and effect until replaced by an Ordinance. If not replaced the provision shall remain in the Charter. Upon (1) the effective date of the approved Ordinance accompanied by (2) an opinion of an attorney, designated by the Board of Alders, certifying that (a) the functions of the pertinent section pertaining to the Board or Commission have been addressed by the Ordinance; and (b) the Ordinance complies with the administrative requirements of this Charter in particular, §1 and 2 of this Article, the pertinent provision or provisions of the Charter shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance” {§4.A}.