

# West Haven

## 2018-2019 Charter Revision Commission

### Proposed Changes Summary

#### DOCUMENT-3





# Charter Revision Summary

## How to Review Changes

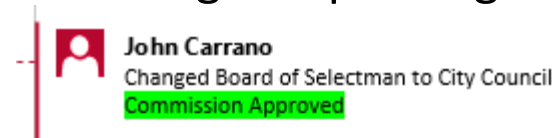
There are 3 documents you need in order to review the detailed changes and reasons for the changes to the current Charter

### 1) **West Haven 2018-2019 Charter Revision Commission Proposed Charter**

- a. This is the Proposed New Charter incorporating all of the changes into a new look document.

### 2) **West Haven City Charter Working Redline 6-21-19**

- a. This file is the current charter with the Charter Revision Commission changes incorporated.
- b. Where the Commission CHANGED Language, the original language is in ~~striketrough~~ font and the proposed language is in **red** font.
- c. Where the Commission ADDED language, the proposed language is in **red** font.
- d. Every section has Comments in a Bubble off to the right explaining the change and the reason for that change. Example...



### 3) **West Haven 2018-2019 Charter Revision Commission Proposed Changes Summary**

- a. This PowerPoint Presentation
- b. File will provide in-depth explanations for the proposed changes



# Charter Revision Summary

---

## 21<sup>st</sup> Century Governing

Our current style of government and the processes we use are far too antiquated and rigid in their approach, which ultimately adds unnecessary cost to the City of West Haven taxpayers.

Our Commission has evaluated where we are, as well as where we have been, and used that evidence to provide the tools required to facilitate a transformation in our current approach to governing.

The flexibility we attempted to build into the Proposed City Charter will allow the next generation of leaders to innovate, consolidate, and streamline city services.



# Charter Revision Summary

## The Vetting Process

The Charter revision recommendations were reviewed and approved by the following Legal Attorneys:

- 1) West Haven Corporation Counsel
  - a) Lee Tiernan
  - b) Craig Sullivan
  
- 2) Independent Attorney
  - a) Winthrop Smith

**Connecticut Conference of Municipalities** - CCM indicated that while they are not allowed to make a determination on the content of the proposed charter, they were pleased to see our Commission used the standard process and format to develop the recommendations.

**Secretary of State** – Throughout our process the Chairman had several discussions with the S.O.S. Legal Department who provided guidance on specific recommendations and their legality from a State of CT General Statutes perspective



# Charter Revision Summary

## West Haven Statistics

*Figures below are estimated*

Department	Employees	Total Budget
City	296	\$ 74,000,000
Board of Education	880	\$ 89,000,000
Total	1,176	\$ 163,000,000

**Population:** 55,000

**Government Style:** Mayor – Council

**Land Size:** 10.75 Square Miles

**Incorporated as a Town:** 1921

**Incorporated as a City:** 1961

**WH Finance Planning and Assistance Board (State Control):** 1992 (31 yrs)

**Municipal Accountability Review Board:** 2018 (26 yrs)



# Charter Revision Summary

## **Why is the Commission proposing so many structural changes to current City Charter?????**

Here are some comments from the City Council Members on the MARB 5-year plan:

- I don't know what will come out of the Charter Revision process, but I know one thing: we can't continue going the way we've been going
- We need to make changes
- It seems to me, after 25 years, we've learned nothing
- West Haven is in a dire financial position and it will take decades to rectify the situation
- It took us 35 years to get here
- We cannot go back and change the beginning, but we can start where we are and change the ending
- My only concern is, are we going to be here again?

Source of Bulleted Comments: NH Register 29-Oct-18 "West Haven City Council approves 5-year plan that would raise taxes" – Mark Zaretsky

The Charter Revision Commission agrees with the Elected Officials concerns expressed above. The Commission unanimously believes that the proposed revisions to the charter will provide the professional knowledge, skills, and abilities required to "change the ending" and insure the stability and future success of the West Haven Community.



# Charter Revision Scope

## These items are outside the scope of the City Charter

### **1. Fire District Consolidation**

- a. The Charter does **NOT** have the authority to consolidate Fire Districts.
- b. The Charter already allows for the City of West Haven to operate a City Fire Department, which is a requirement should any Fire District choose to consolidate under the city.

### **2. Land Trust of West Haven**

- a. A Conservation Easement Agreement was signed on 8 September 2007 between The City of West Haven and the Land Trust of West Haven. This Easement protects 39 acres of land stretching from West Walk to Bradley Point from further development, excluding Jimmies Restaurant and the Savin Rock Conference Center.
- b. This Agreement is **NOT** part of the City Charter.

### **3. Bargaining Units and Retirement Account Styles**

- a. The City Charter does **NOT** address the existence, or not, of any bargaining units.
- b. The City Charter does **NOT** address the style of retirement accounts offered by the City.

### **4. West Haven Public Library**

- a. The City Charter does **NOT** address how many Public Libraries the City should have.
- b. All Public Libraries are currently operated by the Village Improvement Association, which annually requests operating funds directly from the City Council and the Mayor.

### **5. The Havens and Economic Development**

- a. The City Charter does **NOT** address specific Economic Development Projects



# Charter Revision Scope

These items were discussed and not legally allowed to be included in the Charter Revision:

**1. Recall an Elected Official from Office**

- For Cause with a certified petition of at least 75% of the votes cast.

**2. Disqualification of an Elected Official to Serve**

- For Example, if an elected official is convicted of a felony directly related to his/her position.

**3. Qualifications of Elected Officials**

- Credentials not allowed
- Need to be a registered member of party for 6 months prior to nomination

**4. Term Limits**

- Limits on the number of consecutive terms an elected official can serve.

**5. Board of Education**

- Attempted to provide language that removes the exclusions between the BOE and the City. For example, 1 overall Maintenance Department or Parks & Rec or Personnel Department

**6. Issuance of Bonds**

- We proposed a Referendum Process if Bond Request was over a certain amount. The process is not necessarily illegal, but the complications and ramifications need much more thought.





# Charter Revision Summary

## Proposed Structural Changes

1. Move to a Council-Manager form of Government
2. Credentials and Qualifications for Management Positions
3. Shall to May....The City ~~shall~~ **may** hire a Director of XXX or ~~shall~~ **may** have the Department of XXX. Moving shall to may allows for Consolidation of City Departments or Positions. Kept “may” everywhere except where General Statutes requires that a department or position shall exist. (i.e. Organization of Civil Preparedness is required by Connecticut General Statute 28-7).
4. Mayor to Part-Time and Chairperson of City Council
5. City Clerk, Tax Collector and Treasurer to Appointed, with Credentials
6. Four Year Terms for all Elected Officials on same election cycle
7. Board of Education to Non-Staggered Terms and District Chosen
8. Voting Districts changed from 10 to 3
9. Budget Process and Timing



# Charter Revision Summary

## Changes in General

---

### **Changes in General**

1. Because of the Structural changes being proposed, most sections of the charter needed revision to move reporting from the Mayor to the City Manager.
2. The current charter is antiquated, not only in it's language but also in it's structure. Many changes over the years added new sections in places that structurally do not make sense and hinders a proper flow.
3. The original charter was written in 1961 and there are still references to those years. We attempted to update these areas since we needed to open and address most of the sections anyway.
4. Gender – Every reference is Masculine utilizing “him/he/his/man”. There is a statement explaining that those terms refer to both male and female, but we felt that in this century, that was not sufficient. We attempted to adjust every instance.
5. The Commission reviewed many charters from other Connecticut and out-of-state municipalities when coming up with the new recommended language.



# Charter Revision Summary

## Other Proposed Changes

For the reasons mentioned on the previous slide, changes and/or adjustments were made to the following.

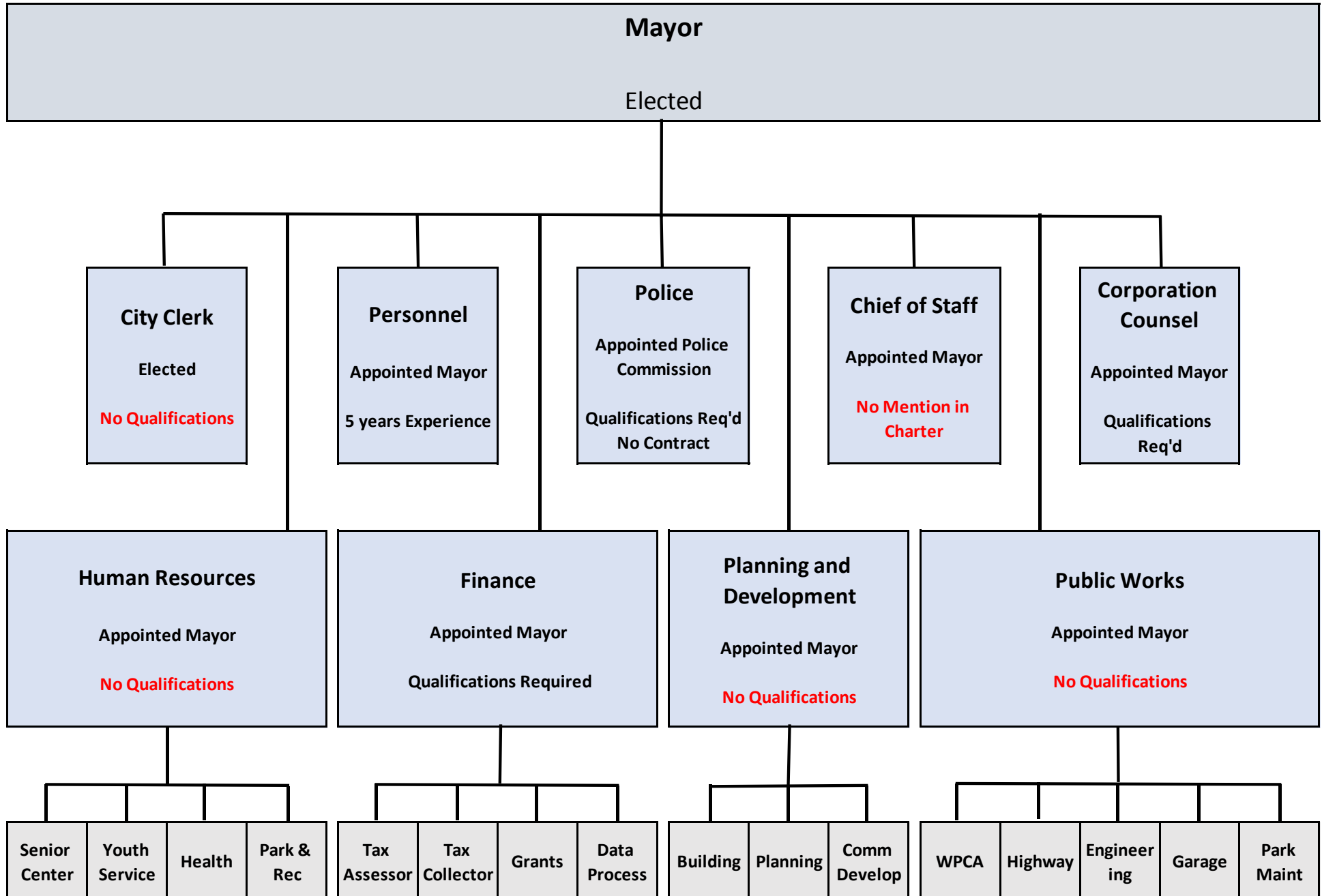
Each of the proposed changes are discussed later in this presentation.

1. Finance Director
2. Commissioner of Public Works
3. Commissioner of Planning and Development
4. Chief of Police
5. Emergency Reporting System
6. Human Resources Department
7. Director of Personnel and Labor Relations
8. Corporation Counsel
9. Water Pollution Control Superintendent
10. Grants-in-aid
11. Board of Assessment
12. Commission of Ethics and Compliance
13. Vacancy in the Office of Mayor
14. Financial Impact of Ordinance
15. Retired Personnel
16. Transfer funds to \$2,500 for Council Approval
17. Auditing Firm to 5-years
18. Planning and Zoning Commission
19. Building Official
20. Village Improvement



# Charter Revision Summary

## Current Org Structure





# Charter Revision Summary

## Council-Manager Government

### To be successful, every community needs the combination of strong:

- Political leadership
- Policy development
- Focus on execution and results
- Commitment to transparent government
- Representation and engagement of all segments of community

### The Council-Manager Form of Government:

- Encompasses all of the characteristics above in a set of professional values, skills, and practices that ensure the success of the communities that use it.
- Recognizes the critical role of elected officials/policymakers, who focus on mapping out a collective vision for the community and establishing the policies that govern it.
- Addresses the need for an individual who oversees the day-to-day management of the community and is devoted to the equitable, efficient, effective, and ethical delivery of services to residents.
- Understands that these roles are distinct, and the management role requires the full-time attention of a **highly trained and experienced** executive team.



# Charter Revision Summary

## Council-Manager Government, cont.

### The City Manager will be:

- The Chief Executive Officer of the City.
- Hired by majority vote of the City Council.
- Required to have a contract of up to 4 years
- For stability, it is preferred that this contract does not run concurrently with municipal elections.
- Required to hold a master's degree with a concentration in public administration, public affairs, public policy or business administration AND five (5) years' municipal management experience.
- Subject to removal, for cause, by two-thirds vote of the City Council.
- Oversight of ALL City Departments.

### Duties will include:

- Prepare the budget for the City Council's consideration.
- Serve as the City Council's chief advisor by providing complete and objective information about local operations, discussing options, offering an assessment of the long-term consequences of decisions, proposing policy recommendations and economic development guidance.
- Carry out the policies established by the City Council.



# Charter Revision Summary

## Council-Manager Government, cont.

### Fast Facts:

- **63%** of all municipalities in the USA with a population greater than 50,000, operate under the Council-Manager Form of Government.
- **67%** of Moody's Aaa-bond-rated communities, this highest possible rating, are run by professional city managers. As comparison, West Haven is Baa3 which is the lowest Moody's investment grade rating.
- **75%** of communities recognized since 2013 with the National Civic League's coveted All-America City Award are council-manager.
- **NCL** – The National Civic League continues to endorse the council-manager form of government.

(Figures provided by International City Manager Association [Michele Frisby], supported by the National League of Cities [Timothy Evans] and the National Civic League)

**Stratford:** In 2005/6 Stratford moved from City Manager to Mayor form of Government. Since that time, their Credit Rating has been downgraded from A1-High Quality to A2-Upper Medium Quality.



# Charter Revision Summary

## Council-Manager Statistics for CT

Style of Government for The State of Connecticut			
Style of Government	Qty	%	Comments
Mayor-Council	30	17.8%	Bridgeport, New Haven, Stamford, Hartford
City/Town Manager*	29	17.2%	West Hartford, Meriden, Manchester, Enfield, Southington
Selectman-Town Meeting	110	65.0%	All under 37,000 people except Fairfield/Greenwich
Total	169	100%	

\* Reviewed largest 15 City Manager Municipalities, 11 or 73% are Democratic Controlled either by Mayor affiliation or Council makeup

Moody's Ratings for 5 of the largest CT municipalities who operate with City Manager			
Municipality	Moody Rating	Rating Category	Rating Meaning
West Hartford	Aaa	Prime-1	Best Ability to repay short-term debt
Meriden	A3	Prime-1/2	
Manchester	Aa1	Prime-1	
Enfield	Aa2	Prime-1	
Southington	A1	Prime-1	
West Haven	<b>Baa3</b>	Prime-3	Acceptable ability to repay short term debt

**Baa3 is the lowest investment grade rating. The next lower rating is High-Yield (Junk Bonds)**<sup>6</sup>





# Charter Revision Summary

## Role of the Mayor

---

### **Role of the Mayor**

1. Be the Chief Elected Officer in the City. Not eligible for Health or Retirement benefits.
2. Be Chairperson, presiding officer, and voting member of the City Council.
3. Shall keep informed on City matters and make recommendations to the City Council and electors of the City on matters of legislative concern and general town policy.
4. Recommend and introduce such ordinances, resolutions, motions and other measures to the City Council as deemed necessary or expedient.
5. Shall make appointments to boards, commissions and other governmental bodies as outlined in this charter.
6. May attend and have the full ex-officio right of participation in any meeting of any board, commission or other governmental body of the City, which was appointed by the Mayor.
7. Facilitate communication and understanding between elected and appointed officials.
8. Set goals for the City Council and advocate policy decisions.



# Charter Revision Summary

## Terms of Elected Office

### **Current:**

All elected positions are on either a 2 or 4 year cycle.

### **Proposed:**

Move all elected positions to 4-year terms.

### **The Commission noted the following:**

- Moving to 4-year terms allows the elected officials to concentrate on the Long-Term health and welfare of the city as opposed to spending time evaluating and organizing for re-election.

Additionally, 4-year terms provide:

- Stability
- Consistency of message
- Cost savings to the City

The Board of Education members currently serve under 4-year terms, however their tenures are staggered. Since there will no longer be elections every 2 years, all 9 members of the Board of Education have been moved to the same 4-year election.



# Charter Revision Summary

## State of CT Statistics (Treasurer/Clerk)

The below statistics were received from the Connecticut Conference of Municipalities and provide a comparison of other municipalities of similar size and how they fill the positions of Treasurer and City Clerk.

Municipality	Treasurer	Clerk
East Hartford	Appointed	Appointed
Enfield	Appointed	Appointed
Fairfield	Appointed	Elected
Greenwich	Appointed	Elected
Hamden	Appointed	Elected
Manchester	Appointed	Elected
Meriden	Appointed	Elected
Milford	Appointed	Elected
Southington	Appointed	Elected
Stratford	Appointed	Appointed
Wallingford	Appointed	Appointed
West Hartford	Appointed	Elected
Bristol	Elected	Appointed
Middletown	Elected	Appointed
Shelton	Elected	Appointed
	12 - Appointed	7 - Appointed
	80%	47%



# Charter Revision Summary

## City Clerk

Town and City Clerks are public information officers who serve as liaisons between local government and the public.

### Brief list of some items the City Clerk is responsible for:

- Public records (Land Records, Land Surveys and Maps, Military Discharges)
- Vital statistics (Marriage and Birth Certificates)
- Licensing (Business licenses and Burial Permits)
- Certain duties in connection with elections (Certify Nominating Petitions and Compile Election Results)

### Certification Requirements:

1. Successful completion of 5 classes at the school for Connecticut Town Clerks.
2. Completion of on the job training of not less than two years work in the municipal clerk field.
3. Successful completion of the mandatory final exam.

Because of the extremely important, sensitive and confidential nature of the above responsibilities and certification requirements, we have proposed to move this position from Elected to Appointed by the City Manager, with an employment contract. A college degree and/or a minimum of 5 years experience working in a related field is required.



# Charter Revision Summary

## Tax Collector

In Connecticut, the collection of property taxes is the **exclusive function** of municipal government. The official responsible for this function is the local tax collector. The tax collector may be elected or appointed.

### Brief list of some items the Tax Collector is responsible for:

- Issuing tax bills and multiple billings based on the Commitment Warrant
- Calculating excise taxes due on motor vehicles, mobile homes, and camper trailers
- Receiving, recording, and balancing all payments for real estate, excise, and property taxes
- Responsible for ensuring that all property taxes due the municipality are collected
- Processing tax adjustments including but not limited to crediting abatements and billing supplemental taxes.
- Preparing and depositing all property and excise tax receipts
- Etc....

### Certification Requirements:

Sec. 12-130a-1.

- Pass the **comprehensive examination** pursuant to Section 12-130a-4
- Fulfill a **three year municipal tax collection experience requirement**

Being that Tax Collection is the #1 income stream for the City, we have proposed to move this position from Elected to Appointed by the City Manager. The Tax Collector shall be a Connecticut Certified Tax Collector in order to qualify for the position

This position must be filled by a professional!!!



# Charter Revision Summary

## Treasurer

By General Statute, a City Treasurer must receive, account for, and invest town funds. The treasurer is, ex officio, treasurer of municipal trust funds.

- The statutes authorize the treasurer to pay any obligation on the municipal authority's order.
- City Treasurers must keep a record of all town orders presented for payment.
- The Treasurer signs off on all bonds and may invest the proceeds received from the sale of bonds, notes or other obligations.
- Treasurers may invest in the obligations of the State of Connecticut, or United States Government, or other interests in a custodial arrangement, pool, investment company, or investment trust.

In West Haven, and most municipalities, the Treasurer is responsible for signoff on the investment of funds into a Short-Term Investment Account (STIF).

Because of the extremely important and sensitive nature of the above responsibilities, we have proposed to move this position from Elected to Appointed by the City Manger.

The person in this position must have a Bachelor's in accounting, business, finance, economics, or a related field.

The Treasurer shall be an ex-officio member of all boards/committees overseeing city trusts or fiduciary funds, police and fire pension funds and Other Post Employment Benefit accounts.



# Charter Revision Summary

## City Council

### Current:

**10-Voting Districts** – Each political party shall nominate 1 member from each District plus 2 At-Large candidates. The 3 candidates receiving highest number of votes for at-large are elected.

### Proposed:

**3-Voting Districts** - Each political party shall nominate 3 candidates in each of the 3 voting districts. The 4 candidates receiving the highest number of votes in each district shall be elected to the City Council from that district. (requirement per state statutes)

### The Commission noted the following:

- The City sits on 11 square miles and the 10 Districts, splits the city into small micro-districts.
- With 3 Districts, the 4 elected officials will be able to operate in a “block” to support the citizens of their District.
- 12 Council Members will be chosen from the above and the Mayor, chosen from the electorate as a whole, will sit as Chairperson.
- It is recognized that this approach moves the Council from a minimum of 1 minority party candidate to a minimum of 3 minority party candidates. As discussed above, it is anticipated that this approach will allow each District Team to better support their constituency, regardless of party affiliation.
- As with all 9 Board of Education Members, the City Council, with the exception of the Mayor, will serve without compensation.



# Charter Revision Summary

## Board of Education

### Current:

**All At-Large** – Board of Education is a 9 member Board with at least 3 members from the minority party. Currently the BOE has staggered terms of 4 years.

### Proposed:

**3-Voting Districts** - Each political party shall nominate 2 candidates in each of the 3 voting districts. The 3 candidates receiving the highest number of votes in each district shall be elected to the Board of Education.

### The Commission noted the following:

- Moving to District representation instead of at-large representation means that every school in West Haven will have 3 Board Members on the BOE from that district.
- With 3 Districts, the elected officials will be able to operate in a “block” to support the citizens of their District.
- No change in minority representation.
- The Board of Education Members will continue to serve without compensation.
- Moving to non-staggered terms puts the BOE on the same cycle as all other elected officials.
- Under the current charter, Chapter XX – Section 6b – Extension Of Terms Of Office – The charter already grants the City authority to extend terms of elective office beyond their normal expiration date. This clause will need to be utilized in order to extend the terms for the 5 BOE Members whose original term expires in 2023 to move them to 2025 cycle.





# Charter Revision Summary

## Vacancy in Elected Office

### **Vacancy in Elected Office:**

Whenever a vacancy occurs in any elective office:

- Mayor shall have ten (10) working days to notify the local party leadership from which the office holder is a member.
- The local party leadership then has ten (10) working days to submit to the Mayor, the name of a replacement candidate.
- Mayor, at the next meeting of the legislative body, must submit the candidates name to the City Council
- Vote by majority of the members of the party in which the vacancy occurred. In the event the vacancy is from an unaffiliated party or the party has no members present, the City Council as a whole shall vote
- If member not confirmed, repeat the process.



# Charter Revision Summary

## Budget

In General, the City Manager assumes the duties of the Mayor under the proposed structure and the Mayor/City Council's Duties remain the same as today.

1. Departmental Estimates due 180 days prior to end of Fiscal Year  
(1-January - Currently this is 1-February)
2. City Manager to present to City Council 120 days prior to FY end  
(1 March – Currently this is 22 March)
3. The City Council Duties, including the Mayor as part of the City Council, remain unchanged.
4. Adoption first Thursday in June (Same as today)
5. Added Language stating that should the General Statutes allow for a change in Fiscal Year, City Council can change the West Haven Fiscal Year with 2/3rds vote.



# Charter Revision Summary

## Other Changes

1. Finance Director
  - Employment Contract with Credentials (Bachelor's Degree and 5 years municipal experience)
2. Director Public Works
  - Changed Title from Commissioner to Director.
  - Employment Contract with Credentials (Bachelor's in Public Administration, Engineering or related and 5 years Public Works Management or Civil Engineering)
  - Removed requirement for City Engineer and allow Director to hire as required.
3. Director of Planning and Development
  - Changed Title from Commissioner to Director.
  - Employment Contract with Credentials (Bachelor's Degree in related field or 5 years experience in Public Planning and Development)
4. Chief of Police
  - Employment Contract (Credentials covered by Board of Police Commissioners)
  - General Statutes prevail in case of a conflict
5. Emergency Reporting System
  - Recognition of its existence.
  - Director reports to City Manager.
  - Credentials - College Degree or minimum of 5 years experience in related field.



# Charter Revision Summary

## Other Changes, Continued

### 6. Human Resources

- Department Name changed to Community Services.
- Changed Title from Commissioner to Director.
- Employment Contract with Credentials (Bachelor's Degree or 5 years experience)

### 7. Director of Personnel and Labor Relations

- Employment Contract with Credentials (Bachelor's Degree or 5 years experience in Public Personnel Administration).

### 8. Corporation Counsel

- Removed the requirement of having to employ 3 Corporation Counsels.

### 9. Water Pollution Control Superintendent

- Acknowledge that it exists.
- Qualification as per State Guidelines.

### 10. Grants-in-aid

- Moved position to report to Finance Director.

### 11. Board of Assessment

- After listening to an appeal, but before reaching a decision, the Board shall confer with the assessor about the reasons for the assessment.



# Charter Revision Summary

## Other Changes, Continued

### 12. Commission of Ethics and Compliance

- Changed from Board to Commission. (A Commission has higher legal status)
- Oversee code of ethics and compliance with the Charter.
- Cannot hold any other elected/appointed position or have a business contract with City.
- Only eligible to serve one 4-year term.

### 13. Vacancy in the Office of Mayor

- Highest ranking member of same party ascends to Mayor.
- If no members of same party, Majority vote of Council among Council Membership

### 14. Financial Impact of Ordinance

- Any Bonds need to be approved by City Manager
- Any Ordinance passed by the Council that has a financial impact on the budget must also be approved by the City Manager

### 15. Retired Personnel

- No person on retirement compensation from any department of the municipal government shall be eligible for employment with the city. These persons, however, are eligible to contract with the city as an independent contractor or on a consulting basis with approval of the City Manager, and may not receive Health or Retirement Benefits.



# Charter Revision Summary

## Other Changes, Continued

### 16. Transfer funds

- Moved threshold from \$1,500 to \$2,500 for Council Approval.

### 17. Auditing Firm from 3-years to 5-years

### 18. Planning and Zoning Commission

- Charter was not clear on representation. Stated that no more than 3 of 5 members can be from same political party.

### 19. Building Official

- Shall have a college degree or sufficient experience and qualifications.

### 20. Village Improvement Association

- Recognized that the VIA is a non-profit 501c3 corporation, which may continue to operate the West Haven Public Library.
- Funding of this non-profit 501c3 corporation, is at the discretion of the City Council.
- A certified Audit of the prior year's financial statements, as well as a detailed budget request for upcoming fiscal year, is required in order to qualify for city funding.



# Charter Revision Summary

## New Org Structure

