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May 15, 2009

VIA HAND DELIVERY

Daniel M. Carey
City and Town Clerk
City of Hartford
550 Main Street
Hartford, CT 06103

Re: Report of the Charter Revision Commission

Dear Mr. Carey:

Pursuant to Connecticut General Statutes §7-191, I am pleased to submit the report of the Hartford Charter Revision Commission (“Commission”) and the proposed Charter of the City of Hartford (“Proposed Charter”). This report is the culmination of a demanding process that began with a public hearing on December 10, 2008 and concluded with a public hearing on May 13, 2009 and a final meeting yesterday.

For the benefit of the Court of Common Council (“Council”), the major proposed modifications are as follows:

1. Composition of the Court of Common Council.

The last charter revision focused on establishing the current form of government, a Mayor with clearly delineated executives and a Council with unambiguous legislative and oversight functions. The Commission sought to navigate the territory established by our predecessor commission and focus on refining of those well-understood legislative and executive prerogatives.

The most considerable change in our report is the creation of a hybrid Council comprised of five members elected by district and eight members elected at-large; thereby expanding the size of the Council from the present nine members to thirteen. Based on public participation in its process, the Commission believes that electing at least some members of the Council by district enjoys broad support throughout the City, particularly in areas and among communities that have been historically marginalized in City politics and government.

Some concern, however, has been expressed at the potential cost of increasing the size of the Council, especially in light of the City’s fiscal crisis. Other than a minimum compensation of \$15,000 dollars per member, however, neither the compensation nor other expenses of the Council are fixed by the Charter. As such, the Council and the Mayor are free to control the expenses of the Council through the normal budgetary process as they deem appropriate; *e.g.* the costs associated with increasing the size of the Council could be

offset be reducing the salaries of its members and/or reducing its other expenses. Moreover, the expansion of the Council would not occur until January 1, 2012, *i.e.* after the election held in November, 2011. By that time the Commission trusts that the City's financial health will have been restored.

Concern has also been raised that the election of members of Council by district will "balkanize" the City. Given the large and diverse population of our City, and given the physically discreet nature of many of our neighborhoods, however, there already exist many divisions within our City. While electing some members of Council by district might enhance such divisions, the Commission believes that having eight members of Council elected at large will mitigate this risk as there will always be members of Council who are free from neighborhood or other factional infighting and who may always take the broad, citywide, view.

The Commission also believes that the risk of "balkanization" is more than outweighed by the benefit of guaranteeing that all our diverse communities always have representation on the Council. Moreover, the Commission also believes that having a particular member of Council be accountable to a specific neighborhood is likely to ensure not only a more equitable allocation of City services - a primary goal of our current Charter¹ - but also better neighborhood services given that more than one third of the Council will likely be viewed by our residents as having personal responsibility in that area. Finally, the Commission also believes that electing some members of the Council by district is likely to increase voter turnout in areas with historically low participation by giving residents in those areas more of a direct stake in City government.

A. Creation of Council Districts. In order to establish the five districts the Charter mandates the establishment of a districting commission (to coincide with the state reapportionment process) which comports to the requirements of state law. Under the requirements the commission shall create districts which shall be:

- (1) of substantially equal population and otherwise consistent with all federal and state constitutional and statutory requirements;
- (2) to the extent possible, consistent with preceding, maintain the integrity of recognized neighborhood planning areas;
- (3) geographically contiguous and compact; and,
- (4) to the extent possible consistent with the preceding, consistent with existing legislative districts.

As required by the General Statutes, the process is a purely legislative function in which the Mayor plays no role. If adopted by the voters in November, the first districting commission shall be appointed "no later than sixty (60) days following the adoption of the Charter Amendment" - January 2, 2010.

B. Term of Office for the Council. The members of the Council will continue to serve terms of four years. The four year term for the members of the Council Elected in the Mayoral election of 2011 will commence on January

¹ "We the people of Hartford, Connecticut . . . hereby adopt this Charter for the more efficient, efficacious and equitable transaction of our public business."

1, 2012 (along with the Mayor, City Treasurer and Constables). During the same election the Members of the Council elected at large will serve a transitional term of two years (commencing on January 1, 2012), with a four year term commencing on January 1, 2014, following the election of 2013. Municipal elections will be comprised of staggered election cycles in which the Mayor, City Treasurer, District Council Members and Constables will face election in the one municipal election cycle and members of the Council elected at large and elected Members of the Board of Education will face election in the other municipal election cycle. The Commission believes that this coupling is likely to increase voter participation in the selection of the elected members of the Board of Education, itself a worthy goal.

C. Council Staff. The new charter would specifically address the prerogative of the Council to hire such staff and other expert and professional staff or consultants necessary to provide assistance to the members of the Council as the Council may deem appropriate to meet its needs and to carry out its legislative function, providing that due appropriation has been made and to provide, by ordinance, for the method of hiring and terminating such staff.

D. Freedom of Information Advisory Board. The Council would also be granted the authority to adopt the model ordinance concerning a municipal Freedom of Information Advisory Board as set forth in the General Statutes and to appoint, upon recommendation of the Council President, all the members of the board by a majority vote of its membership.

E. Ethics Commission Appointments. The revised charter would require the creation of an Ethics Commission in which the Council would make a majority of appointments.

2. Consolidation of Compensation Provisions. This revision also consolidates the myriad of provision pertaining to compensation in one section of the charter in order to reduce any confusion. The compensation provisions also reference the provisions of the State Constitution that govern compensation of elected officials, establish clear standards pertaining to the content of ballot questions regarding compensation increases for members of the Council (as required by state law) and clarify the right of the Council to reduce their compensation, without resort to referendum at any time during their term of office. Finally, the charter would specifically address the process for the setting of compensation levels for the City Treasurer, Registrars of Voters and other elected officials.

3. Mayoral Power of Appointment. The Mayor would continue to appoint members of the Boards and Commissions with the exception of four of five members of the Ethics Commission, who will appointed by the Council and the City Treasurer, as well as the members of the Freedom of Information Advisory Board, who will be appointed by the Council.

A. Timely Appointments. On the other hand, the power of appointment would be governed by strict time-lines in order assure that members of Boards and Commissions are appointed in a timely manner and that said entities would operate with a full compliment of members.

4. Mayoral Service on the Board of Education. The proposed charter requires the Mayor to serve as a non-voting, *ex officio* member of the Board of Education in addition to the nine members. The proposed Charter, however, prohibits the Mayor from serving as Chair of the Board of Education.

5. Charter-based Ethics Commission. The new charter would mandate a five member Ethics Commission, three of whom would be appointed by the Council and one each by the Mayor and City Treasurer. The Commission would have the authority "...to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of the City". Each officer and employee of any such department, institution, board, commission or agency shall assist said Board of Ethics in carrying out the provisions of this section. The Ethics Commission would also have the power to adopt regulations, issue advisory opinions, conduct public hearings and have the statutory power to issue subpoenas. We also recommend a series of restrictions on the members that would require the appointment of Hartford residents of only the highest integrity and reputation and subject those members to a highly restrictive code of ethics.

6. The Office of the Corporation Counsel. The Commission addressed concerns raised by the testimony of many members of the Council and the public regarding the Office of the Corporation Counsel. It is clear that the transition from the Council-Manager to the Mayor-Council form of government has altered the perceptions of the role of the Corporation Counsel and the operations of the office. The Commission recognizes the importance of the Office and the need for the provision of reliable legal services to the City, the Mayor, the Council and all departments, agencies, boards, and commissions of the City. The restructuring of the provisions of the charter take into account these concerns and attempt to assure appropriate services to all who require the assistance of the chief legal representative of the City.

A. Retention of Counsel by the Council. The proposed charter makes clear what is already implicit in the current charter: the Council may appropriate funds for hiring its own staff counsel or for retaining independent counsel when, in the opinion of the Council; it is desirable for the Council to obtain legal advice in addition to the advice of the Corporation Counsel. The Council would be required to establish a selection process, by ordinance. The choice of counsel would "...be the sole responsibility and prerogative of the Council". At the same time the Council would retain the right to request the attendance of counsel from the Office of the Corporation Counsel at plenary sessions and committee meetings.

B. Restructuring of Charter Provisions. While the Corporation Counsel remains an appointee of the Mayor the revisions take great strides in fully defining the role of the Counsel and the Office. First of all, the Office is described as "...the legal department for the City and all of the elected officials, officers, departments, boards, commissions or agencies thereof in all matters relating to their official duties." This point is further emphasized by the obligation to assist those officials "...in the discharge of their official duties: by rendering written opinions and providing legal advice upon any legal question arising in connection with the exercise of official powers and duties, as requested by the Mayor, the Council, the President and/or any duly constituted committee thereof, or any of officer, department head, board, commission or agency of the City." Commensurate with these responsibilities the charter will reference the responsibility of the lawyers in the Office to "...comply with all laws, codes, regulations, and other rules and procedures governing the conduct of attorneys licensed to practice before the courts of the State of Connecticut, including, but not limited to, the Connecticut Rules of Professional Conduct."

Secondly, to underscore the institutional criticality of the office the charter will require that all written opinions will be recorded and indexed in a book kept for that purpose as a public record and the property of the City of Hartford and "...shall be delivered by the Corporation Counsel to his successor upon resignation, removal, or the expiration of his term."

Finally, the Corporation Counsel will be required to file an annual report to the Mayor and the Council including: (1) a summary and report on the status of all pending lawsuits and other contested matters to which the City, as well as any of its Officers, acting in the discharge of their official duties, Departments, Boards, Commissions, Authorities and Agencies are parties; (2) a summary of any such lawsuit which was conclusively resolved in the fiscal year preceding, including the terms of said resolution; (3) all transactions and other contracts which were consummated in the fiscal year preceding to which the City, as well as any of its Officers, acting in the discharge of their official duties, Departments, Boards, Commissions, Authorities and Agencies, are parties; (4) each expenditure by the Office of the Corporation Counsel on attorneys in private practice, as well as an explanation of the reasons for each such expenditure; (5) a summary of the current staff of the Office of the Corporation Counsel, including the workload of each attorney employed therein; and (6) all such other information relating to the operation of the Office of the Corporation Counsel as may be requested in writing by the Mayor and/or the Council.

7. Miscellaneous Revisions. In addition to the substantive changes discussed above, the Commission edited the document to eliminate transition provisions from the 2002 Charter Revision, renumbered some paragraph, eliminated a reference to the Personnel Commission (which was abolished in 2002, although a reference remained) and made some spelling and grammatical modifications which can be found in the red-line version of the Charter.

Noted, the Commission is transmitting this report to the City Clerk, pursuant to §7-191(b) of the statutes. The Clerk will in turn, transmit the report to the Common Council for their consideration. By terms of the Connecticut General Statutes governing charter revision, the Common Council is obligated to hold "at least one public hearing on the draft report" of the Charter Revision Commission within forty-five (45) days of the submission of the draft report to the City Clerk (June 29, 2009) and then, act upon the Charter, or make recommendations for change to the Commission within fifteen (15) days following the last public hearing (no later than July 14, 2009). Of course, if there are no recommendations July 14, 2009 would be the deadline for final action.

The statutory deadlines are strictly construed and both the Commission and Council must act within those time-frames. Please keep in mind that if the document is returned to the Commission on or before the July 14, 2009, the Commission then has only thirty (30) days to deliberate and, as a practical less than that in order to submit the document for consideration at the regularly scheduled meeting of the Court of Common Council on August 10, 2000. Our hope is that the Commission and Council will have vigorous informal discussions and that all scheduling matters will be resolved in order to facilitate a thoughtful and deliberate process.

Like any document which is the result public discourse this proposed Charter reflects months of discussion, debate, and ultimately compromise. Indeed, it is not insignificant that this proposed Charter was recommended by a unanimous vote of the commission; a strong tribute to the ability of our City to put aside racial, ethnic, economic, ideological, and personal differences and work together toward achieving the

noble goal set out in the Preamble to our current Charter, *i.e.* a “more efficient, efficacious and equitable” City government.

It has been our honor to serve the City of Hartford and on behalf of the entire Commission I extend our thanks for having been granted the privilege.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above the typed name.

Richard F. Wareing
Chairman
Hartford Charter Revision Commission

cc: Hon. Eddie A. Perez (via hand delivery)
Hon. Calixto Torres (via hand delivery)
Linda A. Bayer, Clerk, Hartford Charter Revision Commission (via email)