

DAY, BERRY & HOWARD LLP

*Counsellors at Law
Hartford, Stamford, Greenwich and Boston*

CityPlace I
Hartford
Connecticut 06103-3499
Telephone (860)275-0100
Facsimile (860)275-0343
Internet www.dbh.com

June 19, 2000

VIA HAND DELIVERY

The Mayor and Court of Common Council
c/o Daniel M. Carey
City and Town Clerk
City of Hartford
550 Main Street
Hartford, CT 06103

Re: Final Report of the Charter Revision Commission

Dear Mr. Mayor and Members of the Court of Common Council:

I am pleased to submit with this letter the final report, in the form of a proposed amended Charter, of the Charter Revision Commission. In addition to the proposed amended charter, I have included a copy of the Resolution adopted by the Charter Revision Commission at its final meeting on June 14, 2000.

Before describing the changes from the draft report submitted to you on April 11, 2000, I wish again to thank you, on behalf of the entire Commission, for the thoughtfulness and candor of your comments and questions at our joint meeting on May 31. We have considered each of your comments and suggestions with great respect, and we have adopted many of them. Similarly, we have considered and implemented many of the proposed modifications submitted to us at our joint meeting by the City Manager. We believe that these changes have strengthened our final product.

I will describe below our major decisions and the most significant changes from the draft report to this final report. Since many of the changes we made are truly technical, I will not mention them all in this document. I have, however, included with this letter an interlineated version that shows the additions and deletions made to the draft report and includes explanatory comments relating to all but the most minor of those changes.

With regard to the major issues considered in the joint meeting, we have taken the following actions:

Role of the Mayor

The final report provides for the mayor to be the chief executive officer of the City, as did the draft report. Since the Council generally seemed to agree with the proposed change to a chief executive mayor, we did not discuss altering that recommendation, nor do we consider it

necessary to elaborate on the explanation of our reasons for making that recommendation beyond what was contained in my letter of April 13. However, in order to correct the record, I note that our recommendation constitutes a continuing evolution in the governance of the City, not a return to a rejected form of government. Prior to the adoption of the present Charter, Hartford did not have a strong mayor form of government. Rather, it had a weak mayor government that was dominated by a large number of independent boards and commissions. The intent of the present Charter was to streamline Hartford's government and to create, in the manager, a source of coherent executive authority. I have attached some pages from the 1946 study of the Governmental Research Institute, Inc. that make this point. We believe that the lesson of the last 30 years is that this goal cannot be achieved unless Hartford joins almost every other large northeastern city by adopting a form a government that makes the mayor the chief executive officer of the city.

During our joint meeting, most members of the Council expressed either support or acceptance of the proposed change in the role of the mayor. You were concerned, however, with the role of the proposed deputy mayors. As you suggested, we have renamed those positions, now calling them "coordinators," the job classification currently assigned to the deputy and assistant city managers. We have also deleted much of the detail associated with those positions in the draft, leaving their role to be defined by the mayor from time to time. These provisions are contained in Chapter IV, Section 6. In addition, at the suggestion of the City Manager, we have modified the specification of positions in the classified and unclassified service contained in Chapter XI, Section 7, to recognize the position of departmental coordinators and assistants to such coordinators. This modification is required because the City currently has established four such positions in the unclassified service in reliance on a state statute that allows a city or town manager to appoint people to such positions without regard to the provisions of a charter.

In the process of revising the draft report provisions relating to the deputy mayors, we decided that the contents of one of those provisions dealing with the procedure for confirmation should be generalized. Accordingly, we added those provisions to Chapter III, Section 18(d). In short, the amended provisions provide that a mayoral nomination must be voted upon within 30 days of the submission of the nomination, and that a nominee may begin work prior to that vote. A rejected nominee may continue in an acting capacity if the candidate's name is resubmitted by the mayor at the next regular council meeting, but the mayor cannot resubmit a name more than once. The mayor may designate an individual to hold a position in an acting capacity pending the selection of a nominee, but no acting capacity may continue more than six months without being submitted for confirmation.

Finally, in order to protect the City from a lame-duck mayor's efforts to fill positions in advance of the advent of a new mayor, while not unduly restricting the City's ability to function, we have prohibited the mayor from making appointments between October 1 of an election year and the end of the mayor's term. (Chapter IV, §§ 5 (d) and (p)).

Residency

In response to the strong expressions of concern from many members of council, we have added Section 8 to Chapter IV. Section 8 requires that every department head and coordinator have established his or her principal residence and become a registered voter in the City of Hartford within six months of appointment and that he or she maintain that principal residence and registration to vote while holding the position. The mayor is to require every person subject to this provision to certify compliance by the end of six months and at least annually thereafter. Failure to establish and maintain residency results in termination. The provision allows the council, at the request of the mayor, to modify or waive the application of the residency requirement. The council remains free, as it is under the current Charter, to broaden the reach of the residency requirement by ordinance, subject to the restrictions of state law.

Term, Structure, and Size of the City Council

Much of our discussion with you concerned the disparity between the four year term for the mayor and the two year term for council, the district basis for electing the council, and the size of the council. We appreciate the sincerity and depth of your concerns, which we have considered at length.

We agree with you that the terms of the council and the mayor should be identical, and the final report, therefore, provides for a four year term for members of council. (Chapter III §3.)

Election by Districts

Although we understand your concern that the election of the council from districts may produce a council that cannot put aside parochial concerns to focus on the overall interest of the City, we respectfully disagree and adhere to our preliminary recommendation. Of the other large cities in Connecticut, Bridgeport, Stamford, and New Haven all elect their councils from districts, and I have been told by a senior member of the Waterbury council that a proposal to change from an at-large to a district-based council is likely to be placed on the ballot in that city. Like Hartford, Bridgeport and New Haven are geographically compact cities. (Bridgeport is 19.4 sq. miles and New Haven is 20.3 sq. miles, compared to Hartford's 18 sq. miles.) We do not believe that the people of Hartford, and the individuals they will elect to council from council districts, are less capable of recognizing their stake in the progress of the city as a whole than are our peers in the other large cities.

Moreover, we believe that the council's projection of the likely results of a district-based system fails to recognize the significance of the additional authority that will be granted to the mayor. The elected chief executive officer will be more capable of leading the council to an appropriate perspective than any figure in the present structure of city government. Similarly,

the council president, who must consider the interests of the entire city in order to serve effectively as the leader of the council, will assist in that role. Although there will certainly be adjustments and occasional difficulties as a newly structured council develops an understanding of its role and a culture for the institution, we believe that the experience of the other large cities in Connecticut supports our optimism. Certainly, there is nothing in the comparative data that supports the expressed concern that a district-based council will generate an uncontrollable demand on the city budget.

We continue to believe that district-based representation is an important tool for adding vitality to Hartford's political life. There can be no question that political participation in the City has reached a dangerous low point. In the last municipal election, turnout in Hartford was 160th of the 169 municipalities in the state. Perhaps more significantly, although we are the second largest city in the state by population, 17 other municipalities had more people come to the polls than we did. Communities with significantly higher voter turnout included not only all of the other large cities, but our smaller neighbors of West Hartford and Manchester and communities such as Bristol, Greenwich, Fairfield, and Trumbull. In the 1998 gubernatorial election, almost 6,600 more people cast votes for governor in West Hartford, a town with less than half our population, than in Hartford. Hartford cannot afford the loss of influence that will necessarily follow from a disappearing voting population.

We do not assert that creating a district-based council will immediately induce a higher turnout. We do believe, however, that the combination of increased accessibility and competitiveness with the strong incentive that district-based council members will have to develop strong local political organizations should lead to increased political participation.

In response to some comments, we added to Section 2 of chapter III a provision applicable to the first district election, in 2001, that allows an individual who is not a resident of a district to run for election in the district, but prohibits a nonresident from serving as a district's member of council. In all subsequent elections, only residents of a district will be eligible to be elected or to serve as its representatives. We also modified Section 17(b) to add consistency with existing legislative districts, to the extent possible, as a criterion for the establishment of district boundaries.

Size of the Council

We arrived at our recommendation of a council of fifteen, elected from five districts, in order to accomplish two goals: the creation of districts small enough to realize the benefits of added competition and participation discussed above, and our desire to maintain non-majority party representation on the council equal to at least one-third of the council. We believe that non-majority party representation has served the City well, and that continuing to assure that representation will be beneficial in the future.

At our joint meeting, you clearly expressed your concern that enlarging the council would make reaching consensus on the council more difficult. Certainly, there will be times when that will be the case. After considerable effort to find a way of reducing the size of the council while adhering to the goals of reasonable-sized districts and one-third non-majority representation, however, we have concluded that there is no satisfactory alternative we can suggest.

As with the question whether district-based election will produce an unduly parochial perspective, we believe that the experience of our sister cities in Connecticut strongly suggests that a fifteen member council will not be unmanageable. If Hartford adopts a fifteen member council, its council will still be the smallest of any of the cities with a population of more than 100,000 in our state. Stamford now has a council of forty elected from twenty districts; New Haven a council of thirty elected from thirty districts; and Bridgeport a council of twenty elected from ten districts. Waterbury's council is 15. Again, we see no reason why a council size that works in the other cities in Connecticut would not also work in Hartford.

Board of Education

We have made no change from the draft report provision establishing a board of education which, after a transition period, will consist of four elected members and three appointed members. We believe that this structure will provide adequate direct and indirect accountability to the public, assurance of appropriate skills on the board of education, and a less hostile working relationship between the board and the municipal government than existed prior to the state takeover. We have changed the starting date for the regular term of appointed members to July 1 in order to provide stability on the board through the adoption of the budget and to allow a new mayor several months in office before appointing members of the board of education.

The city council in Washington, D.C. has recently proposed a board consisting of elected and appointed members, with the elected members constituting a bare majority of the board.

Purchasing

We have made several changes in the provisions of Chapter VIII relating to purchasing at the suggestion of the city manager. The general nature of these changes is to allow the City some additional flexibility. For example, we have modified Section 4(e) to make clear that surplus supplies, materials, and equipment can be freely transferred among agencies of the City and to allow the council by ordinance to establish procedures for the preferential disposition of surplus materials, equipment and supplies to non-profit organizations located within the City. Similarly, at the suggestion of the manager, we have deleted "contractual services" from the mandatory jurisdiction of the purchasing agent (Section 4) and have provided in Section 5(e) that the council may establish by ordinance the procedure for awarding professional service contracts. This suggestion by the city manager also indirectly responds to Councilman

Marrotta's written suggestion that we should make such contracts subject to review by the council, since the council is free to include such a provision in any ordinance it passes. Similarly, Section 6, which currently provides for the council to establish procedures by ordinance for public works contracts, has been modified at the manager's suggestion to reflect current practice, which apparently does not track the language of the charter as it now stands.

Term of Office of the City Treasurer

The draft report set the treasurer's term of office at four years. It appears that state law does not currently allow for four year terms for treasurers, so we have modified Section 1 of Chapter IX to provide for a four year term unless state law limits the term to two years.

Police and Fire

After inquiry in response to the council's question, we have ascertained that the existing charter provision relating to special police is not in use and is inconsistent with existing state law. Accordingly, we have deleted that provision.

We have modified the provision of the draft proposal relating to employment contracts for the police and fire chiefs by clarifying that they shall be given employment contracts of "up to" four years. After our joint meeting, we discussed the concerns that had been raised with both the city manager and the corporation counsel's office. We concluded that while it is not certain that state law would allow termination of a chief because the employment contract had expired, there is no reason to fear that entering into a contract will make it any harder for the City to terminate a chief than is now the case. The language of our proposal explicitly provides that a chief will be "subject to removal in accordance with the applicable state statute" during the term of a contract. We also modified this provision (§ 5 of Chapter X) to eliminate the draft report's prohibition on reappointing a chief more than once.

Internal Audit Unit

We have modified this provision (Chapter XIII, §5) to make clear that the jurisdiction of the Internal Audit Unit extends to the board of education. In addition, we have added language to clarify that the council and the mayor can request the Audit Unit to initiate examinations and that the reports of the unit shall be public and shall be submitted to the mayor and council. We also added language specifying that the council by ordinance may specify the procedures the unit shall follow.

We respectfully request that you place the question of approval of the final report on the November general election ballot. Our preference is that the work of the Commission be considered by the public as a whole and be voted up or down in a single question. We suggest the following wording for such a question:

Shall the final report of the Charter Revision Commission, dated June 19, 2000, which proposes that the Mayor be the chief executive officer of the City, that City Council consist of fifteen members elected from five districts, that the term of office of the mayor and members of the city council be four years, that the Board of Education consist of four elected and three appointed members, and otherwise amending the charter, be approved?

Although we would prefer that the entire final report be addressed in a single question, we recognize the significant difference of opinion that exists with regard to the structure and size of the City Council. We also recognize that the other changes we have recommended can be implemented whether or not our proposed change to the structure and size of the City Council is implemented. Thus, it would be feasible to ask the public to decide separately on the issue of the structure and size of the council. If you chose to do so, we suggest the following questions:

1. Shall the final report of the Charter Revision Commission, dated June 19, 2000, which proposes that the Mayor be the Chief Executive Officer of the City, that the term of office of the Mayor and members of the City Council be four years, that the Board of Education consist of four elected and three appointed members, and otherwise amending the charter, with the exception of the recommendations relating to the size and structure of the City Council, be approved?
2. Shall the recommendations of the Charter Revision Commission, dated June 19, 2000, that the City Council consist of fifteen members elected from five districts, and that the number of votes required for certain actions be changed accordingly, be approved?

Again, we thank you for the opportunity you have given us to serve the City of Hartford.

Respectfully yours,

Allan B. Taylor
Chairman Charter Revision Commission

ABT/gb
Enclosure