

CHARTER REVISION COMMISSION CITY OF NORWALK

To: Norwalk Commons Council
From: Norwalk Charter Revision Commission
Re: Final Report
Date: 14 August 2023 (updated by Charter Counsel: 15 August 2023)

As you review the Final Report, we would like to provide this memorandum in order to review the Commission's response to the recommendations made by the Council on the 17th of July.

CC Rec. #1
CRC Approved

Article I, §1-5.A: Merge sub-par. (1) and (3); to avoid redundancy.

CC Rec. #2
CRC Approved

Article II. Modification of Definitions:

- (a) **Article II, §2-2.B(2).** Clarify: Common Council is not a Board or Commission.
- (b) **Article II, §2-2.B(3).** Add: "created by the City in accordance with Law."
- (c) **Article II, §2-2.B(7).** Clarify definition of "Capital Budget" and utilize the defined term "Five Year Program of Capital expenditures."
- (d) **Article II, 2-2.B(11).** Clarify definition of "Day" by including language from **Article IV, §4-10.K(2)**.
- (e) **Article II, §2-2.B(13).** Delete the term "of a permanent nature."
- (f) **Article II, §2-2.B(15).** Remove statutory reference/create explanatory footnote.
- (g) **Article II, 2-2.B(17).** Clarify and make consistent with §2-2.B(7).
- (h) **Article II, §2-2.B(20).** Regulatory enactments included in "Law."
- (i) **Article II, §2-2.B(24) and (29).** Revise and align the definitions of "Meeting Notice," "Hearing Notice" and "Public Notice" in order to avoid duplication of concepts and avoiding confusion or ambiguity.
- (j) **Article II, §2-2.B(28).** Add "Common Council" and "Operating and Capital Budgets" for clarity.
- (k) **Article II, §2-2.B(30).** Add definition of "Quorum." (See also, **Article IV, §4-3.A(1)** and **Article VII, §7-1.B(3)**).
- (l) **Article II, §2-2.B(31).** Add change "budget" to "Operating and Capital Budget."
- (m) **Article II, §2-2.B(39).** Merge language from the body of the document to the definition of "Vacancy."

Members

Patsy Brescia, Chair – Hon. Richard McQuaid, Vice Chair – Carl Dickens
Tyler Fairbairn – Benita Watford Raleigh - Angela Wasunna – Michael Witherspoon

Attorney Steven G. Mednick, Counsel

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CC Rec. #3 CRC Approved	Article II, §2-3.B(2) Add language regarding placement of “reasons for recusal” on the public record.
CC Rec. #4 CRC Approved	Article II, §2-7. Integrate all “compliance and cooperation clauses.”
CC Rec. #5 CRC Approved	Article III, §3-2.D Add the word “open and” prior to the word “remain.”
CC Rec. #6 CRC Approved	Article III, §3-3.C Add “Registrars of Voters” and clarify Sunset Provision (A).
CC Rec. #7 CRC Approved	Article III, §3-6.A. Language moved to definition of “Vacancy” in Article II, §2-2.B(39).
CC Rec. #8 CRC Approved	Article IV, §4-4.B(3) and (4). Establish separate authority for the Common Council to create and modify Boards and Commissions on their own motion (Councilmember Niedzielski-Eichner).
CC Rec. #9 CRC Approved	Article IV, §4-10.F. Consolidate redundant language into the opening provisions of §4-10 (Councilmember Niedzielski-Eichner).
CC Rec. #10 CRC Approved	Article V, §5-2.B(1) Eliminate the role of the Mayor as presiding over Committee meetings (Councilmember Niedzielski-Eichner).
CC Rec. #11 CRC Approved	Article V, §5-6.A and D. Clarification of Mayoral appointment authority for the City Clerk and the administrative relationship of the Clerk with the President of the Common Council.
CC Rec. #12 CRC Approved	Article VII, §7-1B(4) and (5). Permitting (4) modification of the “frequency of meeting standard” by ordinance; and (5) adding “staff” in lieu of “clerks”.
CC Rec. #13 CRC Approved	Article VII, 7—2.A(3)(b). Align with 7-1.B(6).
CC Rec. #14 CRC Retain “as is”	Article VII, §7-2.B.(1) and C(1). Should the terms of the Board of Police Commissions and Fire Commissions be coterminous with the term of the Mayor?
CC Rec. #15 CRC Approved	Article VIII, §8-2.A(1). Clarifying that the Chief of Staff, Corporation Counsel and City Clerk are subject to removal at the sole discretion of the Mayor.
CC Rec. #16 CRC Approved	Article VIII, §8-2.A(3). Add the Director of Recreation and Parks.

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CRC also added “City Librarian” as errata¹.

CC Rec. #17 **Article IX, §9-3.** Should this provision be placed in Article X?
CRC Retain “as is”

CC Rec. #18 **Article X, §10-10.C.** Please consider whether 90 days makes
CRC Approved “60 more sense than 30 days (Councilmember Niedzielski-Eichner).
days”

CC Rec. #19 **Article X, §10-21.B.** Eliminate the role of the Chair provision.
CRC **Approved,**
although **retained**
expectations **for**
public hearings

CC Rec. #20 **Article XI, §11-5.** Effective Date should be changed to January 1,
CRC Approved 2024 and the Commission should review whether there needs to
be further clarity with respect to effective dates of specific
provisions.

CC Rec. #21 **(a) Article II, §2-4C(2):** Adoption of rules of order by “an
CRC Approved affirmative vote of two-thirds of the entire membership of the
Council, Board or Commission.”

7/31 Recommendation: Remain the same; except for the
defined use of the term “entire membership.”

¹ The provision of the Charter is governed by the Home Rule Act. Ord. 87-1 through -3 makes no reference to appointment. Sec. 11-33. Powers and duties of trustees in municipalities. Gifts. “When the legislative body of any municipality has decided to establish a public library and reading room, the chief elected official of such municipality shall, with the approval of the legislative body, appoint a board of nine trustees. Not more than one member of the legislative body shall be a member of such board. The trustees shall, immediately after their appointment, meet and organize by the election of one of their number as president and by the election of such other officers as they deem necessary. They shall make and adopt (1) bylaws, rules and regulations for the government of the library and reading room, and (2) policies and rules regarding Internet usage and content accessible by patrons of the library and reading room on computers and other electronic devices provided by the library and reading room. They shall have exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, given or set apart for that purpose; provided all moneys collected and received for such purpose shall be placed in the treasury of such municipality, to the credit of its library fund, and shall be kept separate from other moneys of the municipality and shall be drawn upon by the proper officers of the municipality, upon duly authenticated vouchers of the trustees. **Such board may** purchase, lease or accept grounds, and erect, lease or occupy an appropriate building or buildings, for the use of such library, **appoint a library director and all necessary assistants and fix their compensation.** Any person desiring to make a gift for the benefit of such library may vest the title to such donation in the board of trustees to be held and controlled according to the terms of the gift of such property; and such board shall be special trustee thereof.”

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- (b) **Article III, §3-7.B.** Temporary disability or absence of the Mayor determined by “the affirmative vote of twelve members of the Common Council, present and voting.”

7/31 Recommendation: Remain the same; except for the elimination of the clause “present and voting.”

- (c) **Article III, §3-8.** Expulsion of Councilmembers by “affirmative vote of not less than two-thirds of the entire membership of the Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (d) **Article III, §3-9.A.** Removal of Mayor for misconduct or neglect of duty commencement of action by “a majority of the entire membership of the Common Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (e) **Article III, §3-9.D.** Resolution of removal fails if it does not receive “affirmative vote of two-thirds of the entire membership of the Council.” In other words, to be operative it must receive “the affirmative vote of two-thirds of the entire membership of the Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (f) **Article IV, §4-4.B.** Legislative actions in the ordinary course of business require a “**Majority Vote of the Council.**”

7/31 Recommendation: Remain the same. Use defined term.

- (g) **Article IV, §4-4.B(3).** Vote required for merger, consolidation or elimination of departments and other entities set forth in (a) – (g): “an affirmative vote of two-thirds of the entire membership of the Common Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (h) **Article IV, §4-4.B(4).** Vote required for merger, consolidation or elimination of other Boards and

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Commissions: “an affirmative vote of two-thirds of the entire membership of the Common Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (i) **Article IV, §4-4.C(1).** Vote required to authorize the Mayor to borrow in the name of the City: “***a Majority Vote of the Council.***”

7/31 Recommendation: Remain the same. Use defined term.

- (j) **Article IV, §4-5.A.** Mayor may initiate a divisional or departmental reorganization by Ordinance subject to “an affirmative vote of two-thirds of the entire membership of the Common Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (k) **Article IV, §4-7.A.** Council appointments where power is vested must be made by “a plurality of votes passed in the Council, the Mayor having a vote only in case of a tie.”

7/31 Recommendation: Remain the same.

- (l) **Article IV, §4-8.D(2).** Council override of Mayoral veto: “a recorded affirmative vote of not less than two-thirds of the entire membership of the Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (m) **Article V, §5-2.E.** Mayor may hire outside counsel with consent of “***a Majority Vote of the Council.***”

7/31 Recommendation: Remain the same. Use defined term.

- (n) **Article VII, §7-1.C.** Mayor may appoint Board and Commission members and alternate subject to approval by “***a Majority Vote of the Council.***”

7/31 Recommendation: Remain the same. Use defined term.

- (o) **Article VIII, §8-1.B.** Common Council vote on divisions and departments proposed by the Mayor shall be a “by an affirmative vote of two-thirds of its entire membership.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (p) **Article VIII, §8-1.D.** Common Council vote on reorganization of divisions and departments proposed by the Mayor shall be a “by an affirmative vote of two-thirds of the entire membership of the Common Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (q) **Article X, §10-5.A.** Common Council sets the maximum limit on total appropriations by “an affirmative vote of a majority of the entire membership of the Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (r) **Article X, §10-7.B.** Common Council may amend the maximum limit on total appropriations by “an affirmative vote of two-thirds of the entire membership of the Council.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

- (s) **Article X, §10-10.A and B.** Common Council approval of special appropriations by “an affirmative vote of two-thirds of the entire membership of the Council.”

7/31 Recommendation: Change to the defined term: “***a Majority Vote of the Council.***”

- (t) **Article X, §10-16.A.** Common Council approval of capital budget by “***a Majority Vote of the Council.***”

7/31 Recommendation: Remain the same. Use defined term.

- (u) **Article X, §10-16.C.** Common Council approval of items deemed inconsistent with the City’s POCD by “an

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affirmative vote of two-thirds of the Council, present and voting.”

7/31 Recommendation: Remain the same; except for the defined use of the term “entire membership.”

(v) Article X, §10-17.B.

(1) Planning and Zoning Commission approval of the Mayor’s request to terminate or abandon any Capital Budget Item by be approved by “**a Majority Vote of the Council.**”

7/31 Recommendation: Remain the same. Use defined term.

(2) Planning and Zoning disapproval of the Mayor’s request may be overruled by “a recorded affirmative vote of two-thirds of the entire membership of the Council.”

7/31 Recommendation: Change. Use defined term.

(w) Article X, §10-19.D.

Scrivener Recommendation: Remain the same. Use defined term.

Article II, §2-2.C(2). Establish “usage of term” for the entire membership of the Council or a Board or Commission.

CC Rec. #22
CRC Approved (Two year term of office retained for Mayor)

Please continue to review issues pertaining to the term of office (Councilmember Smyth).

CC Rec. #23
CRC Approved

Please continue to review and approve (a) all errata, scrivener’s corrections; and, (b) the effective date provisions in order to facilitate the implementation of any revisions.

CC Rec. #24
CRC Approved, unless highlighted

Errata or scrivener corrections throughout the proposed revised Charters (Articles I -XIV), including spelling, grammatical and punctuation changes, and the following clarifications:

(a) Article II, §2-2.B(25). Errata or scrivener corrections (correction of legislative body reference).

(b) Article II, §2-2.B(26). Errata or scrivener corrections (clarifying edit).

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- (c) **Article II, §2-2.B(32) and (33).** Errata or scrivener corrections (clarifying edits).
- (d) **Article II, §2-3.** Errata or scrivener corrections (minor edits).
- (e) **Article II, §2-4.B and F.** Errata or scrivener corrections (clarifying edits).
- (f) **Article II, §2-5.C.** Errata or scrivener corrections (Eliminate redundant “compliance and cooperation” clause.)
- (g) **Article III, §3-3.D(1) and Article VIII, 8-4.D(1).** Errata or scrivener corrections (Use defined term “Public Officials.”).
- (h) **Article III, §3-3.E.** Errata or scrivener corrections (minor restructure of content).
- (i) **Article III, §3-4.A(1).** Errata or scrivener corrections (minor edits and creation of new Transition Provision reference).
- (j) **Article III, §3-6.B(1).** Errata or scrivener corrections (change the word “certified” to “qualified”).
- (k) **Article III, §3-6.C.** Errata or scrivener corrections (delete the clause “by the Common Council or otherwise”).
- (l) **Article III, §3-7.** Errata or scrivener corrections (add “of the Mayor”).
- (m) **Article III, §3-7.B.** Errata or scrivener corrections (add “temporary” in lieu of “unexplained” absence)
- (n) **Article III, §3-9.** Errata or scrivener corrections (minor edits and internal reference corrections)(Councilmember Niedzielski-Eichner and Camacho).
- (o) **Article III, §3-10.** Errata or scrivener corrections (revise title of provision and other minor edits).
- (p) **Article III, §3-10.K.** Errata or scrivener corrections (replace “work agreements” with CBAs).
- (q) **Article III, §3-11.** Errata or scrivener corrections (clarify proposed language).
- (r) **Article IV, §4-3.B).** Errata or scrivener corrections (add transition provisions).
- (s) **Article IV, §4-4.B(5).** Errata or scrivener corrections (use defined term “Public Official”)
- (t) **Article IV, §4-4.B(9) and (10).** Errata or scrivener corrections (split the provision containing two separate concepts).
- (u) **Article IV, §4-10.I.** Errata or scrivener corrections (clarify by adding the majority of electors standard).
- (v) **Article IV, §4-10.K(2).** Errata or scrivener correction (moved to definition of “Day” in Article II, §2-2.B(11)).
- (w) **Article V, §5-3.** Errata or scrivener correction (minor edits and addition of “ordinances” to clarify the Mayoral

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- appointment authority).
- (x) **Article V, §5-5.A.** Errata or scrivener correction (minor edits re – addition of “staff”).
 - (y) **Article VII, §7-1.A.** Errata or scrivener correction (deletion of term “scope of responsibility” and “presenting” replaced by “regarding”).
 - (z) **Article VII, §7-1.B(1).** Errata or scrivener correction (minor edit).
 - (aa) **Article VII, §7-1.B(7) and §7-1.D.** Errata or scrivener correction (minor edit).
 - (bb) **Article VII, §7-2.A(5).** Errata or scrivener correction (add the Mayor and Board of Estimate as recipients of the Report).
 - (cc) **Article VII, §7-2.A(4).** Errata or scrivener correction (moved **Article X, §10-4** regarding Board of Finance authority not necessarily aligned with the time-line of budget process).
 - (dd) **Article VII, §7-2.B(1)(c).** Errata or scrivener correction (change quorum requirement).
 - (ee) **Article VII, §7-2.B(3) and 7-2.C(3)(b).** Errata or scrivener correction (add subsection titles and eliminate reference to 2023 in sub-section (a) delete “bipartisan” in (b)).
 - (ff) **Article VII, §8-1.A.** Errata or scrivener correction (minor edits).
 - (gg) **Article VIII, §8-4.D(3)(d).** Errata or scrivener correction (break up each of these into separate sub-sections).
 - (hh) **Article VIII, §8-5, §8-7.B, §8-8 and §8-9.** Errata or scrivener correction (title)
 - (ii) **Article IX, §9-1.A(7), (8) and (9).** Errata or scrivener correction (minor edits and consolidations).
 - (jj) **Article X.** Errata or scrivener correction. (Align the defined terms “Capital Budget” and “Five Year Program of Capital Expenditures”).
 - (kk) **Article X. 10-1.C.** Errata or scrivener correction. (Align provisions with the definitions of Public Notice, eliminate the last sentence of 10-1.C(10 and flip (3) and (4) change date of budget calendar to September).
 - (ll) **Article X. 10-2.** Errata or scrivener correction. (title changes and update definition of Budgeted Entity to ensure inclusion of the Board of Education and Norwalk Public Schools).(CRC retained the term)
 - (mm) **Article X, §10-3.** Errata or scrivener correction (eliminate meeting requirement for BET to correspond with the Council receipt requirements).
 - (nn) **Article X. 10-4.** Errata or scrivener correction. (Moved to **Article VII, §7-2.A(4)**).

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- (oo) **Article X, 10-4.B.** Errata or scrivener correction. (Moved to **Article II, §2-2.B(7)** to align with the defined term).
- (pp) **Article X, §10-5.** Errata or scrivener correction (make clear that they have the ability to amend the Mayor's proposed budget cap).
- (qq) **Article X, §10-19.** Errata or scrivener correction (restructure and realign the provisions as shown).
- (rr) **Article XI, §11-3,** Errata or scrivener correction.

Revision of Memorandum re – errata or scrivener corrections, following discussion between Corporation Counsel and Charter Counsel.

- (ss) **Article VIII, §8-2.A(3)(h).** **Appointed by Mayor and Confirmation by the Common Council:** Deputy and Assistant Corporation Counsels (~~and Special Counsels~~)²;
- (tt) **Article VIII, §8-2.D. Full Time Positions**³. All Division Chiefs, Department Heads (with the exception of the Corporation Counsel) and other Mayoral Executive-Level Appointees⁴, are prohibited from (1) engaging in any commercial business or (2) holding any other office, public or private, for which a salary or emolument is paid; or, (3) having any substantial interest or owning any substantial stock interest in any corporation, partnership or concern having any business relations with the City.

CC Rec. #25
CRC Approved

Article III, §3-4 B(3). In the heading, delete “Minority”, so that it reads: “Party Representation” (Councilmember Camacho).

CC Rec. #26
CRC Approved

Article III, §3-8. Should read as follows: “Any member who, while holding office, is found, after a public hearing, to have directly or indirectly taken or bargained for any fee or pecuniary consideration to influence a vote or action upon any resolution or ordinance pending in the Common Council, shall be ordered to pay to the City a penalty equal to the fee or pecuniary consideration received or

² Note: At the time of the adoption of the 2023 Revision the Deputy and Assistant Corporation Counsels are governed by current Ord. §63-5. They are appointed by Mayor and confirmed by Council. §63-6. Qualifications of Deputy CC. **Ord. §63-5:** The Deputy Corporation Counsel, the Assistant Corporation Counsels and the attorneys employed for special cases shall be appointed by the Mayor, subject to the confirmation of the Common Council. **Errata.** There are no “Special Counsel” in the office and this language was moved from the ordinance without that knowledge.

³ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-244.A entitled “Requirements for certain Department officers”. Added by Charter Amendment 8-29-1978, §9. Editor's Note: Approved by the electorate at the general election held 11-7-1978. Errata: “With the exception of the Corporation Counsel” needs to be added. There was no intent to modify the practice and require the Corporation Counsel to work full-time.

⁴ In lieu of the following: “The Director of Finance, Comptroller, Purchasing Agent, Tax Collector, Tax Assessor and Assistant Tax Assessor.”

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bargained for, and shall, upon a two-thirds vote of the entire membership of the Council, be expelled from office” (Councilmember Camacho).

CC Rec. #27
CRC Revised.

Article IV, §4-4. Should consider the following changes: In Line 4, delete the coma (it doesn’t seem necessary there), and after “(2)” delete “essential” and insert “indispensable”, after “declared” delete “objects” and insert “objectives”, and thereafter delete “not simply convenient, but indispensable”, so that subparagraph (2) reads: “(2) indispensable to the declared objectives and purposes of the City” (Councilmember Camacho).

CC Rec. #28
CRC Deleted.

Article V, §5-4. Please review this provision since it is likely that it is legally void under the vagueness doctrine, in line 3 of the provision, it is unclear what “neglects to refuse” even means (Councilmember Camacho).

CC Rec. #28
CRC Approved.

Article V, 5-5.B. In the third sentence of “**B. Division Chiefs**”, after “qualifications in” insert “their applicable field, including,”, so the second sentence of sub-provision B reads: “The Division Chiefs must have professional qualifications in their applicable field, including, but not limited to...” (Councilmember Camacho).

Further Comment on the Final Report.

We would also like to take this time to remind you of the provisions of the Charter that also constitute the Final Report. All of these provisions were in the Draft report which was dated 1 June 2023. The Final Report represents a massive, if not historic, revision of a City Charter that was adopted in 1913.

Our Charter: A Remnant of the Early 20th Century. For one hundred-ten-years Norwalk has lived with the remnants of a Special Act Charter enacted almost fifty years before the Home Rule Act. Over the years the document was subjected to piecemeal amendments⁵ first by Special Act (at least ten times)⁶ and under the Home Rule Act through charter revision (at least thirteen times)⁷. On the 9th of August in 2022, the Common Council made a decision to create the Charter Revision Commission for the express purpose of reviewing the document comprehensively, not to reform the government; but rather, to restructure and reform the document. The era of piecemeal alterations was over.

Resolution of the Common Council: Create a 21st Century Charter. The resolution creating the Commission specifically included two charges:

⁵ According to the historical annotations of the Charter.

⁶ 1913, 1915, 1921, 1927, 1929, 1931, 1933, 1947, 1951, 1969.

⁷ 1970, 1971, 1972, 1974, 1976, 1978, 1980, 1981, 1989 (inexplicably by resolution), 1995, 1996, 2000, 2003, 2005, 2011, 2014.

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- restructure and reorganize the Charter into a more accessible and understandable document both for our residents who expect an accountable and responsible government; and, to our public officials who are charged with the responsibility of conducting the business of government in accordance with the provisions of the Charter; and,
- to determine the relevance and utility of provisions of the historical Special Acts, which form the foundation of the Charter, to a 21st century municipality, including the roles of the Mayor and the executive departments and other public entities, the legislative functions of the Common Council, the budget process, the regulatory, oversight and policy roles and responsibilities of Boards and Commissions and certain elected positions established by the Charter.

The Charter of the City is essentially our constitution. It lays out the form of government, the procedures to be followed in creating laws and the rules that govern the conduct of our public officials. When a citizen picks up the Charter, they should be able to find what they are looking for. The current Charter opens up with some highly legal language laying out the territorial limits of the City, Council Districts, wards, some holdover information pertaining to town meetings, the privileges and immunities of and the Cities of Norwalk, South Norwalk, the East Norwalk Fire District and the Town of Norwalk, miscellaneous provisions dealing with the building, owning, leasing, using docks and wharves, piers and bridges and property along the waterfront; the care and maintenance of sewer system. The Charter then takes the reader on a sixty-two-page journey through the First, Second, Third and Sixth Taxing Districts, which is not exactly a logical starting point if someone wants to learn about the structure of government in Norwalk.

Most of these provisions were conceivably useful in the early 20th century. That period in our history was an era of consolidation and integration of formerly separate communities. However, over a century later the current Charter doesn't tell you much about the way the City is governed.

A Reorganization and Changes on the Edges. Our Commission took the charge of the Common Council seriously. The proposed Charter will replace the unsystematic document that the City has used for self-governance since 1913. The Commission does not recommend any change in the form of government. The intention is to organize the document with an emphasis on clarity, accessibility, and relevance to the times we live in.

It is important to member that *we are proposing a reform of the document*. While you will see a number of changes on the edges, they are designed to improve public understanding of the government and, again, not to alter the operations of government. Before we get into the substance of the changes, I would like to focus your attention on the organization of the document.

Tools of the Trade. Municipal law and the concept of "home rule" is not something everyone understands or not everyone's cup of tea. Thus, the Commission's proposed

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revised Charter begins as it should with a couple of pedagogical tools that should familiarize any reader with its content and reach.

First of all we open up the Charter with a provision called “**Setting the Context.**” While the Charter is a legal or local constitutional document and not a reference manual, the Commission strongly believed that it would be beneficial to our citizens to understand a few matters at the outset:

- What is the function of the City Charter?
- Why was the Charter revised in 2023?
- How is the charter reorganized?
- What major changes were made in the 2023 revised Charter

We have explained some of these issues in our Transmittal Letter in June and will address the major changes as we review each of the Articles and so we will dwell on the overall organization of the document. The Charter is broken down into three distinct parts:

- **Part 1** enumerates all the entities, officials and processes for the general government of the City, including the Board of Education;
- **Part 2** includes all of the provisions that govern the First, Second, Third and Sixth Taxing Districts.
- **Part 3** details special action provisions that will be replaced by Ordinance. Once the changes take place (including a validating legal opinion of the Corporation Counsel) at occurs, these transition provisions will be repealed and extricated from the Charter by operation of law.

The second issue is not a revolutionary provision; yet, it is a vital addition to the Charter: a “**Table of Contents.**” The point we want to emphasize is that we are trying to make this governing document as user friendly as possible. We instructed our lawyer to avoid legalese and were generally pleased with the result. However, when you are working with language that was drafted at the beginning of the last century it is not always possible to avoid all of the pot holes. The Contents will walk you through the Charter:

Article	Subject
I	Incorporation, construction and general powers
II	Construction and standards of general application of the charter of the City of Norwalk
III	Elections, electors, elected officials, terms of office and other provisions applicable to city officials
IV	The Common Council
V	The Mayor
VI	Other Elected Officials
VII	Boards and Commissions
VIII	Departments and Department Heads

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IX	Education
X	Budget, Public Funds and Finance
XI	Transition and Miscellaneous Provisions

This is not an achievement that the Commission will rest its laurels upon, it is just the right thing to do and long overdue.

A Brief Comment about the Taxing Districts: There Are No Changes in Governance Provisions of the First, Second, Third or Sixth Taxing Districts as set forth in Part 2. As I mentioned Part 2 of the Charter consolidates all the current provisions of the charter as well as other provisions that were not found in the current Taxing District provisions. In the view of the Commission, we wanted to allow the reader and taxing district resident to have a place where they could find out about the taxing district and the role they play in different parts of Norwalk.

The Commission also thought it was important to spell out the difference between the service districts called the Fourth and Fifth Taxing Districts which share an historical name with the actual Taxing Districts; however, are not separate legal entities with governance and taxing authority. The terms are defined in §§2-2.B(18) and (36) entitled “**Fourth Taxing District** and **Fifth Taxing District**” and “**Taxing Districts.**” We also further explain the purposes of taxing districts in a note at the foot of page 111 at the commencement of Part 2. While the Commission recognizes and believes that the Taxing Districts are an important and vital cog in building the quality of life for residents of Norwalk, it is not a suitable starting place to gain an understanding of the operations of the general government.

Themes and Findings of the Commission

Throughout the process the Commission was steadfast in its adherence to the notion that the Charter should encourage and facilitate public engagement. The proposed revisions address this issue in many places. It starts with the definitions, discussed below, where we provide fulsome definitions designed to fully utilize new technologies that were used of necessity during the pandemic. A convener of a meeting or a member of the public has one place to go to find out what constitutes a “**Public Meeting**” and how “**Public Notice,**” “**Meeting Notice**” or “**Hearing Notice**” are defined (all by state law), including the following:

- where posted notice can be found (physical and electronic notice or, if required by state or federal law or Ordinance, newspaper notice);
- what is included in the agenda, including content of matters before a body
- how to participate in or contribute to “**Public Hearings**” and what rules apply to public participation;
- when a Public Hearing is required

Public engagement is also addressed in our provisions on Boards and Commissions, Departments and the Budget process.

Approved Actions of the Charter Revision Commission.

Article I: This Article simply restates the provisions pertaining to the incorporation, construction and general powers of the City while eliminating a number of antiquated Special Act provisions.

Article II: This article introduces members of the public to the Charter document by defining terms and trying to establish a foundation for meaningful public participation in public processes covered by the Charter. There are a number of innovative provisions:

The proposed charter expands the **definitions** section to include thirty-four definitions designed to improve public understanding of common terms used in the Charter, as follows:

- Appointing Authority
- Board of Commission
- Budgeted Entity
- Charter
- City
- City Clerk
- Capital Budget
- Capital Budget Items
- Common Council or Council
- Confirmation by the Common Council
- Days
- Departments
- Department Head
- Division Chief
- Elected Public Officials
- Elector⁸
- Five Year Program of Capital Expenditures
- Fourth and Fifth Taxing Districts
- General Statutes
- Law
- Majority Vote of the Council
- Mayor
- Meeting or Public Meeting
- Meeting or Hearing Notice
- Operating Budget
- Public Official
- Ordinances
- Public Hearing
- Public Notice
- Referendum
- Regulation
- Resolution
- Special Act or Special Laws
- State or Connecticut
- State Constitution
- Taxing Districts
- Town Clerk
- Vacancy

In synch with the objectives of clarity and accessibility, Article II addresses **Standards of Conduct** are set forth including the notion of public engagement; equitable treatment of all residents; and the critical importance of conflict-of-interest policies to avoid the appearance of an insular political system. In addition, the Charter will also include **Rules of Order and Civility** addressing need for mutual respect in the workplace and decorum at public meetings. This provision is designed to encourage debate and

⁸ Where we can we try to define terms in a manner that is understandable to any reader of the Charter. There are some definitions that appear circular since we simply refer them to the General Statutes. This is unavoidable where the term is actually defined by state law. In that event we usually provide a reference to the statutes and even the language in effect at the time of the approval of the Charter.

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differences of opinion in an environment protected by rules of procedure that are fair and clear. Finally, Article II includes affirmations of a policy of **Open Meetings**, access to **Public Records**, **Cooperation** between City Officials and **Diversity on Boards and Commissions**.

Article III. This Article addresses the City's elected officials, terms of office and elections themselves. We are recommending repeal of many of the Special Act provisions dealing with elections in cognizance of the fact that Title 9 of the General Statutes covers the field with respect to the election of municipal officials. In addition, the Commission recommends the elimination of the following City Officials at the conclusion of the term of office following the 2023 municipal election cycle:

Treasurer and Board of Selectmen.

Moreover, we are recommending changing **the term of office to commence the first business day of January following the election in 2025**. At the present time the term commences a week following the election. This will allow for better coordination and transition between outgoing and incoming administrations. In order to accommodate the extended time between the election and commencement of the term there will be a transition office for the Mayor-elect and restrictions on the outgoing Mayor's ability to take actions following the elections.

The proposed Charter also acknowledges the necessity of **compliance with district reapportionment** for Common Council and Board of Education members, as required by federal and state law. We also include provisions that establish clear standards and procedures addressing the **temporary absence or disability of the Mayor**, including the **succession of the Council President** as Acting Mayor.

Article IV. While there are no substantive changes, the proposed Charter recognizes the Common Council as the legislative authority as provided for and required by the General Statutes. Moreover, we have recommended repeal of almost eighty Special Act power clauses and replacement by the **authority granted generally under Title 7 of the General Statutes and more specifically, the "Municipal Powers Act"** On the other hand, we have retained several Special Action provisions where a unique authority was granted by the General Assembly to the Common Council.

The Commission made no recommendation regarding modification of compensation for the Common Council; although we believe it is an issue that should be addressed in the near-term. We also retained the current referendum system, also referred to as a "petition for overrule."

Article V. As with the Common Council there are no substantive changes for the Mayor. We are not saying that the balance of power between the Mayor and Council does not require further examination, it is just that our focus was on "reforming the document...not the government." We did address the organization of the office of the

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Mayor and believe that a Chief of Staff or equivalent position needs to be recognized by the Charter.

Article VI: This article assembles in one place the other elected municipal officials, including the Town Clerk, Registrars of Office, Constables and Sheriff.

Article VII. The Commission has recommended a substantial overhaul to provisions of the Charter governing Boards and Commissions. With the exception of **expanding membership from two to four public members and Council approval of Police and Fire Commissions** we did not focus on the Board and Commissions as such. We did focus on the procedures for creating and operating these entities.

At the core of our reform is the notion that **the primary role of Boards and Commissions is to represent the Public Interest.** The revised Charter establishes the rationale and underlying legal foundation for public service on Boards and Commissions. First of all, the Charter includes detailed explanations and standards as guideposts for Board and Commission members to carry out the policy, advisory and/or quasi-judicial or regulatory functions under its charge. Moreover, the Charter makes it clear that members of Boards and Commissions are required to understand the role and scope of responsibility and be informed of the objectives, scope of responsibility and operating procedures of the Board or Commission to which they are appointed.

The salient point is that members should represent the public interest and not special interest groups and seek to render decisions on the basis of what is best for the residents of Norwalk. Furthermore, members should take care that deliberations include thorough research and review of all alternatives on an issue prior to making a recommendation. Finally, the proposed Charter clarifies and defines **the regulatory and policy or administrative functions** of Boards and Commissions.

The notion of **conducting open meetings** in the public may not seem novel or, even, necessary. On the other hand, the pandemic changed the way the public attend public meetings and the expectations for public participation in the future. The proposed revised Charter establishes an aspirational standard for Norwalk to lead the way **“to achieve optimal public accessibility at all Meetings.”** To the end, the proposed revision mandates:

- strict compliance with the requirements of the General Statutes; unless otherwise permitted or required by Law.
- Utilization of all technology provided by the City so that in person, remote or hybrid interactions may be offered to the public at every meeting, wherever practicable.
- Continued migration toward ensuring that optimal technologies are available to all Boards and Commissions to achieve the objective of public accessibility.

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The Commission has proposed a **significant overhaul of the requirements for the operation of Boards and Commissions to increase participation in the activities of these public bodies**. Among the reforms in this proposed charter are the following:

- Compliance with minority party representation statutes;
- Public access, comment and interaction (including, but not limited to, public speaking, comment and any applicable rules and protocols) as may enacted by Ordinance or, in the absence of an Ordinance by the rules of the Board or Commission; and,
- Frequency of regular Meetings of all Boards and Commissions, in accordance with the Ordinances or, in the absence of an Ordinance, the rules of the Board or Commission, and mandatory attendance requirements, with enforcement protocols.
- Consideration of appointments designed to ensure that, to the fullest extent possible, the composition of Boards and Commissions reflect the diversity of the residents and the geographic areas of the City.

The Commission made no recommendations pertaining to the authority or composition of the Board of Estimate and Taxation. On the other hand, we do mandate the following Boards and Commissions to be created by Ordinance:

- Board of Assessment Appeals
- Conservation Commission
- Food Services Pension Board
- Board of Ethics (appointed by Common Council)
- Planning and Zoning Commissions
- The Pension Board⁹
- Zoning Board of Appeals
- Public Library Board

Article VIII. With respect to City Divisions and Departments the Commission made no substantial changes because we believe it is best for the Mayor and the Common Council to establish the administrative functions on a real-time basis to ensure flexibility for the delivery of services and compliance with applicable federal or state mandates or laws. We engaged in a reverse engineering function to lay out the current Division and Department Heads. On the other hand, the proposed revised Charter establishes clear authority to **reorganize the government** in compliance with the procedures and in conformity with the service functions delineated in the Charter.

The intent of our proposed revision is best stated in §8-1. The intent of the Charter allows for :

- the Mayor and the Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City;

⁹ The Commission has recommended the repeal of the Special Act provisions pertaining to the Police and Fire Fighter Pension Funds.

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- a delineation of departmental categories for the purpose of mandating “services to be provided and functions to be served.”

In essence we recommend structures that “...may be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter. However, the powers, duties and functions defined in this Charter must be assigned to Officials of the City.” The goal is the creation of a government responsive to the needs of its residents operating under a rule of law that is rigid enough to ensure that services are not ignored; however, flexible enough to find new and innovative delivery systems.

The proposed revised Charter spells out the appointment and confirmation functions of the Mayor and Common Council with respect to the Division Chiefs (CFO; Economic and Community Development; Human Resources and Personnel; Operations and Public Works; and Community Services) as well as Department Heads or other Executive-Level appointees (Comptroller; Purchasing Agent; Tax Collector; Assistant Tax Collectors; Tax Assessor; Assistant Tax Assessor; Health Director; Deputy and Assistant Corporation Counsels and Special Counsels; Building Official; Director of Code Enforcement; Library Director and Municipal Historian). The Police and Fire Chiefs are also appointed by the respective Department-based Commissions.

The only department mandated is the Law Department and the head of the department, the Corporation Counsel. In all other cases the serves are set forth by function as well as the executives charged with responsibility for those functions:

Function	Executives/Departments
Finance	Chief Financial Officer Comptroller Purchasing Agent Tax Collector Tax Assessor
Economic Development and Community Services	Chief of ECD Business Development and Tourism Code Enforcement Planning and Zoning Transportation Mobility and Parking
Human Resources and Personnel	Chief of Human Resources and Personnel
Operations	Chief Operating Officer Building Management; (b) Engineering Public Works Recreation and Parks
Community Services	Chief of Community Services Health Public Library Human Services

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Function	Executives/Departments
Police Department	Chief of Police
Fire Department	Fire Chief

Article IX. There are no substantive changes to this provision, with the exception of a reporting requirement addressing the issue of disclosing multi-year agreements and other responsibilities pertaining to the budget. The Charter recognizes the unique statutory protections and prerogatives afforded to the Board of Education with respect to its budget appropriation and other duties and authority granted by state law. The revisions also articulate local functions that pertain to all departments, including the Board of Education.

Article X. As with other areas there is no modification of the balance of power and authority granted the Mayor, Board of Estimate and Taxation and the Common Council in the budget process. The focus of the Charter Commission focused, instead, on creating a budget provision that is **linear and understandable both for the public and the officials who are responsible for governance**. The provision starts off with a cooperation requirement for a City Officials and Employees involved in the budget process, including the Board of Education. The Charter also defines the operation and capital budgets. The capital budget is also included in the Charter for the first time. The Commission took the Ordinance based process and moved it into the Charter.

There are a number of new provisions that don't change the process (with one exception); however, establish a framework for the development of the budget. The proposed revised Charter is a public record subject to public inspection and public engagement. Under the recommendation "The Mayor, Common Council, Board of Estimate and Taxation, Board of Education and Planning and Zoning Commission **must develop and publicize procedures designed to encourage public participation in the budget process**. The Common Council has the legislative authority to enact Ordinances to implement these provisions of the Charter. This is facilitated by two new requirements:

- **Initial Joint Public Hearings** (On or before October 1st). These joint hearings are held "...for the purpose of eliciting comments and ideas from members of the public prior to the development of the operating and capital budgets for the subsequent fiscal year." The joint hearings are conducted by the (a) Mayor; (b) Chief Financial Officer; (c) President of the Common Council; (d) Chair of the Council committee authorized to review the budget; (e) Chair pro tempore of the Board of Education; (f) Chair of the Planning and Zoning Commission; and, (f) a member if the Board of Estimate designated by the Mayor.
- **Publication of a Budget Calendar** (Not later than October 15th). The Chief Financial Officer is required to publish a budget calendar, including procedural rules, in order to inform the public of the significant milestones in the budget process

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The remainder of the Article walks the reader through the linear operating and capital budget processes.

Article XI. Under this provision there is a required review of the Charter within two years and every five years thereafter. : The short-term review allows the City to look at structures, procedures and operational issues that were not reviewed by the 2023 Charter Revision Commission. Miscellaneous. The CRC recommends that the

Article XII. This article includes the historical Taxing Districts. As we have stated these provisions were not touched with the exception of gender neutrality and capitalization of defined terms that apply to the entire Charter.

On its title page Part 2 includes the following statement:

Part 2 of this Charter recodifies all the current charter provision pertaining to the First, Second, Third and Sixth Taxing Districts. The First, Second, Third and Sixth Taxing Districts, as defined in §2-2.B((35), above, and as further set forth in Article XII of Part 2 of this Charter, are quasi-municipal corporations, bodies politic or political subdivisions of the state. The First, Second and Third Taxing Districts are funded through their respective utility revenues and thereby, impose no separate district tax; while the Sixth Taxing District levies a tax for the services it provided for its parks and beaches, garbage collection, library and fire service. The 2023 charter revision did not embark on any changes in the provisions of this Charter other than some minor edits, including the effort to engage in gender neutrality, capitalization of defined terms and placement of provisions that were in the body of the Charter and were more aptly placed in the provisions dealing with the Taxing Districts. The Commission believes that Part 2 should be thoroughly reviewed by the governing bodies of the Taxing Districts. As the reader can see by reviewing the annotations, the Commission itself did not make any changes other than gender neutralization and to capitalization of defined terms. In this section of the Charter, we will retain the internal references to the Charter in effect prior to the effective date of the 2023 revision hereinafter referred to as the "Prior Charter." The provisions of the Prior Charter are referenced in the endnotes.

We respectfully would suggest that the leaders of the First, Second, Third and Sixth Taxing Districts review these provisions to examine whether it would be worthwhile to include changes in the two-year review mandated by the proposed revised Charter. They need to do this carefully in order to preserve the integrity of their Special Act authority; however, the Commission is of the belief that there are many provisions that no longer serve any purpose.

Article XIII an XIV. The historical provisions in these Articles are left intact because the Commission could not decide what to do with them and there was no rationale for repeal. On the other hand, there are provision, such as the Council Districts

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that will be replaced by new districts following reapportionment and the functions of certain department officials whose functions are better left to the Ordinances.