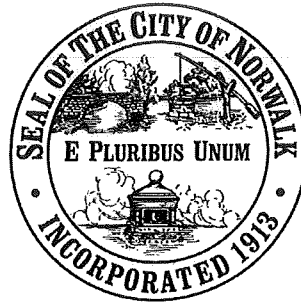


**Proposed Revision of
The Charter of the City of Norwalk**

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



Harry Rilling
Mayor

Greg Burnett
President, Common Council

Richard McQuaid
Town Clerk

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

Pursuant to §9-369b(a) of the Connecticut General Statutes (C.G.S.), as amended, the following is a summary of the proposed amendments to the Charter of the City of Norwalk, in accordance with C.G.S. §7-188. Said proposals were prepared by the Norwalk Charter Revision Commission and approved for submission to the electorate by the Common Council. The proposed revision of the Charter was published, in its entirety, in the *Norwalk Hour* on September 3, 2023. The proposed Charter is available at the following: <https://www.norwalkct.gov/ArchiveCenter/ViewFile/Item/21172>

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

Attest:

Richard McQuaid

Richard McQuaid
Town Clerk

BALLOT QUESTION

Shall the Charter be revised to clarify and streamline government operations and standards, maintain a two-year mayoral and council term, expand the police and fire commissions from two to four members, establish procedures to enhance public participation in the budget process, and require charter review every ten years with an initial review in two years?"

Explanation. For one hundred-ten-years Norwalk has lived with the remnants of a Special Act Charter enacted almost fifty years before the enactment of the Home Rule Act in the mid-20th century. Over the years the document was amended, on a piecemeal basis, first by Special Act of the General Assembly (at least ten times) and, later, under the Home Rule Act through charter revision (at least thirteen times). The proposed Charter represents an effort by the City to reorganize our local governance document. The proposed Charter will be annotated so that the public can understand the origins of each provision. The definition provision is expanded in order to establish a common language for those reading the document. The following addresses some of the key provisions added or addressed in each Article:

Article I (Incorporation, Construction and General Powers) sets forth the provisions pertaining to the incorporation, construction and general powers of the City while eliminating a number of antiquated Special Act provisions.

Article II (Construction and Standards of General Application) introduces members of the public to the Charter by defining terms and establishing a foundation for public engagement in the processes of local government. There are a number of new provisions:

The **definitions** are expanded to include the following thirty-four definitions of terms used in the Charter:

- 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
- Elector
- 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

Article II also addresses **Standards of Conduct** which establish parameters for the equitable treatment of all residents and the critical importance of conflict-of-interest policies to avoid the appearance of an insular political system. There is a new provision dealing with **Rules of Order and Civility** addressing the need for mutual respect in the workplace and decorum at public meetings. 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 (Elections, Electors, Elected Officials, terms of Office and Other Provisions Applicable to City Officials) sets forth the City's elected officials, terms of office and elections themselves. Many of the Special Act provisions dealing with elections were repealed in cognizance of the fact that Title 9 of the Connecticut General Statutes governs the election of municipal officials in Connecticut. In addition, the office of Treasurer and Board of Selectmen will be eliminated from the Charter at the conclusion of their term of office in 2025. On the other hand, **the proposed Charter retains the two-year term of office for the Mayor and Common Council.**

The term of office for Mayor and Common Council will commence the first business day of January 2026 following the election in 2025. 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. Also included are 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 (The Common Council) recognizes the Common Council as the legislative authority as provided for and required by the General Statutes. While there are no changes in the balance of legislative and Mayoral authority the revisions repeal almost eighty Special Act power clauses thereby relying on **legal authority granted under the General Statutes and more specifically, the "Municipal Powers Act."** The revised Charter retains the current referendum system, also referred to as a "petition for overrule" and does not address the issue of compensation for the Common Council.

Article V (The Mayor) contains no substantive changes for the Mayor or the City Clerk. This Article does address the organization of the office of the Mayor and includes the discretion to appoint a Chief of Staff or equivalent position and other clerical staff and assistants to conduct the business of the Office of the Mayor.

Article VI (Other Elected Officials) assembles, in one place, the other elected municipal officials, including the Town Clerk, Registrars of Office, Constables and Sheriff.

Article VII (Boards and Commissions) includes a significant overhaul of the provisions governing the operation of Boards and Commissions. With the exception of **expanding membership from two to four public members (plus the Mayor) and Council approval of Police and Fire Commissions**, there were no modification of other entities.

New provisions of the Charter address the principle 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 requires members of Boards and Commissions to understand the role and scope of responsibility,

objectives and operating procedures of the Board or Commission to which they are appointed.

The proposed Charter establishes a clear “public interest” standard for Board and Commission members. Members are required to engage in deliberations based on research and review of all alternatives on an issue prior to making recommendations or decisions. Finally, the Charter defines **the regulatory and policy or administrative functions** of Boards and Commissions.

New Charter requirements reflect lessons from the pandemic regarding the **conduct of open meetings**. The proposed Charter establishes an aspirational standard **“to achieve optimal public accessibility at all Meetings.”** To that end, the Charter will mandate: (1) strict compliance with the requirements of the Connecticut General Statutes; unless otherwise permitted or required by Law; (2) 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; and (3) continued migration toward ensuring that optimal technologies are available to all Boards and Commissions to achieve the objective of public accessibility.

The proposed Charter will also include an **overhaul of the requirements for the operation of Boards and Commissions to increase participation in the activities of these public bodies**. Among the requirements in the proposed Charter are the following: (1) compliance with minority party representation statutes; (2) 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; (3) 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; and (4) 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 proposed Charter does not alter the authority or composition of the Board of Estimate and Taxation. On the other hand, it does mandate the creation of the following Boards and Commissions to be created by Ordinance, many of which already exist:

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

Article VIII (Departments and Department Heads) does not alter the current structure of government; on the other hand validates a system where the Mayor and Common Council establish the administrative functions on a real-time basis by Ordinance. The Charter sets forth the functions of the government as currently comprised. On the other hand, the proposed Charter will include 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 this provision is stated in §8-1 where it allows for: (1) 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; and, (2) a delineation of departmental categories for the purpose of mandating “services to be provided and functions to be served.” In other words, the Charter allows for current structures to “... be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter.” At the same time, “the powers, duties and functions defined in the Charter must be assigned to Officials of the City.”

The proposed 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 and 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, will remain the Corporation Counsel. In all other cases the proposed Charter sets forth the services by function as well as the executives charged with responsibility for those functions:

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

Article IX (Education) contains **no significant changes**, with the exception of a reporting requirement addressing the issue of disclosing multi-year agreements and other responsibilities pertaining to the budget in order to comply with state law. 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 (Budget, Public Funds and Finance) retains the current balance of authority granted the Mayor, Board of Estimate and Taxation and the Common Council in the budget process. This Article is now presented in a **linear and chronological way**. The provision starts off with a cooperation requirement for all City Officials and Employees involved in the budget process and defines the operating and capital budgets. The capital budget is also included in the Charter for the first time.

There are a number of new provisions that don't change the process (with one exception); however, they establish a framework for the development of the budget. First, the Charter affirms the notion that budget is a public record subject to public inspection and public engagement: 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**.

Furthermore, the Common Council is granted the legislative authority to enact Ordinances to implement these provisions of the Charter. The notion of public engagement is facilitated by two new requirements: (1) **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 of the Board of Estimate designated by the Mayor; and, (2) **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.

Article XI (Transition and Miscellaneous Provisions). 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.

Article XII (The Taxing Districts) recodifies the historical Taxing Districts as established by Special Act. These provisions were not modified, with the exception of gender neutrality and capitalization of defined terms that apply to the entire Charter in Norwalk:

Articles XIII and XIV (Historical Provisions and Historical Transition Provisions). The historical provisions in Article XIII involving the Norwalk Harbor, Streets, Sidewalk and Building Lines, Pensions for Certain Retired Employees and Assessment Appeals are left intact. On the other hand, in Article XIV the historical council

districts (§14-1) will be repealed upon the conclusion of the reapportionment process. Likewise the following provisions will be repealed following the adoption of Ordinances: Finance Division (§14-2); the Comptroller (§14-3); Purchasing Agent (§14-4); Tax Collector (§14-5); and, Public Works/Operations (§14-6). In conclusions, the current Council Districts will be replaced by new districts in compliance with federal constitutional standards and the functions of certain department officials will be reallocated by Ordinance.