

TO: New Haven Board of Education Finance and Operations Committee

FROM: Patricia King, City Corporation Counsel  
Michael Gormany, City Budget Director/Acting Controller

DATE: July 14, , 2023

**RE: *Approval is requested from the New Haven Board of Education for the Superintendent, New Haven Public Schools, to enter into an MOU with the City of New Haven regarding salary reimbursement for the positions Assistant Corporation Counsel, BOE Labor and Employment Staff Attorney, and BOE Procurement Coordinator***

---

**Executive Summary:** Approval is requested to enter an MOU by and between the City of New Haven and Superintendent, New Haven Public Schools (NHPS), regarding funds for the services of legal representation, labor and employment matters, and procurement.

The MOU will continue to fund one Assistant Corporation Counsel for legal advice and representation to the NHPS and Board of Education as has been done in the past. The Assistant Corporation assigned to NHPS will work in a collaborative manner with NHPS and the City of New Haven Corporation Counsel's Office as defined by City of New Haven Charter. This position shall have a primary location within the offices of NHPS located at 54 Meadow Street, New Haven providing legal services and legal advice at the direction of the Superintendent of Schools or designee.

In addition to the Assistant Corporation Counsel, the MOU will fund the positions of NHPS Labor and Employment Staff Attorney, and NHPS Procurement Coordinator. The NHPS Labor and Employment Staff Attorney will provide representation of the NHPS including but not limited to advising and counseling NHPS officials in labor relations matters, as a negotiator, facilitates harmonious working relationships among parties in contract negotiations, CHRO matters, MPPs, and other labor and employment law. The NHPS Labor and Employment Staff Attorney will work in a collaborative manner with NHPS and the City of New Haven Labor Relations Office as defined by City of New Haven Charter. This position shall have a primary location within the offices of the NHPS located at 54 Meadow Street New Haven providing services and legal advice at the direction of the Superintendent of Schools or designee.

The NHPS Procurement Coordinator has wide latitude for the use of independent judgement; work is reviewed for conformance to procurement policies, procedures, laws, and regulations. This position is responsible to coordinate purchasing functions for all schools and departments in the district, to initiate purchasing requests and organize results into a procurement format while keeping in mind the specifics of a department. The position is also responsible for working on procurement policy for the NHPS/Board of Education in conjunction with the City Purchasing Agent. This position shall have a primary location within the offices of NHPS located at 54 Meadow Street New Haven providing procurement support services to NHPS at the

direction of the NHPS Chief Financial Officer, or other designee of the Superintendent of Schools, and under the supervision of the City of New Haven Purchasing Agent.

The purpose of this MOU is to memorialize the parties' respective rights and obligations concerning the contribution of the NHPS of for the salary of one Assistant Corporation Counsel, NHPS Labor and Employment Staff Attorney, and NHPS Procurement Coordinator. The funding for the three positions will be designated from the MUNIS accounts listed below:

|                             |                          |
|-----------------------------|--------------------------|
| Contract or Agreement #:    | TBD                      |
| Funding Source & Account #: | 19047700-56696 \$122,358 |
|                             | 19045100-56694 \$120,000 |
|                             | 19043000-56694 \$ 94,370 |

### **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (the "MOU"), effective as of July 1, 2023 (the "Effective Date"), is entered into between the City of New Haven, acting by and through Patricia King, City Corporation Counsel, duly authorized (hereafter "the City"), and Superintendent, NHPS, (), Dr. Ilene Tracey, Superintendent, its duly authorized representative.

The purpose of this MOU is to memorialize the parties' respective rights and obligations concerning the contribution of the NHPS for the salary of one Assistant Corporation Counsel, one NHPS Labor and Employment Staff Attorney, and one NHPS Procurement Coordinator.

WHEREAS, the Corporation Counsel and Department of Finance budgets for FY 2023-2024 reflect a total allocation of \$ 336,728 from the NHPS towards the salary one Assistant Corporation Counsel, one NHPS Labor and Employment Staff Attorney, and one NHPS Procurement Coordinator; and

WHEREAS, beginning in FY 2019-2020, the NHPS began contributing funds from its outside counsel budget for the salary of an Assistant Corporation Counsel hired in October 2019 by the Office of Corporation Counsel to be assigned to work primarily on legal matters for the NHPS; and

WHEREAS, the salary for the position of Assistant Corporation Counsel has increased to One Hundred Twenty-Two Thousand Three Hundred Fifty-Eight Dollars and Zero Cents, (\$122,358) effective on July 1, 2023, pursuant to the collective bargaining agreement between the attorneys' union and the City; and

WHEREAS, beginning in FY 2023-2024, the NHPS will contribute from its Human Resources and Finance budget for the salary for the positions of one NHPS Labor and Employment Staff Attorney, and one NHPS Procurement Coordinator; and

WHEREAS, the parties agree that this proposal will be in the best interests of both the City and the Superintendent, NHPS, in that needed legal services, labor and employment law, and procurement can be obtained while making the best use of the parties' financial resources.

NOW THEREFORE, the City and the Superintendent of New Haven Public Schools wish to memorialize their agreement in writing and hereby agree as follows.

1. For purposes of this MOU, the NHPS, through the Board of Education ratifies the transfer of from budget allocations of One hundred Twenty-Two Thousand, Three Hundred Fifty-Eight Dollars and Zero Cents (\$122,358) from the BOE outside counsel budget for FY 2023-2024 to the City Office of the Corporation salary account for the position of Assistant Corporation Counsel.
2. For purposes of this MOU, the NHPS, through the Board of Education ratifies the transfer of from budget allocations of One hundred Twenty Thousand and Zero Cents (\$120,000) from the BOE human resource other contractual services budget for FY 2023-2024 to the City Office of the Corporation/Labor Relations salary account for the position of NHPS Labor and Employment Attorney.
3. For purposes of this MOU, the NHPS through the Board of Education ratifies the transfer of from budget allocations of Ninety-Four Thousand, Three Hundred Seventy Dollars and Zero Cents (\$94,370) from other contractual services budget for FY 2023-2024 to the City Office of the City Finance Department, Purchasing Division salary account for the position of NHPS Procurement Coordinator.
4. This MOU may be renewed on an annual basis for subsequent fiscal years between the Superintendent and Corporation Counsel for the amounts of the salaries listed in the City Board of Alder approved budget towards the positions.
5. Upon renewal of this MOU, the amount of the contribution in future fiscal years shall increase by any contractual salary increases per bargaining unit agreements.
6. The parties agree that the Assistant Corporation Counsel, NHPS Labor and Employment Staff Attorney, and NHPS Procurement shall always remain for supervisory and administrative purposes under the Office of Corporation Counsel and Department of Finance as defined under City of New Haven Charter and Professional Practice Standards.
7. The parties agree that the Assistant Corporation Counsel and the NHPS Labor and Employment Staff Attorney shall maintain an attorney-client relationship consistent with the Rules of Professional Conduct, including attorney-client confidentiality, between the City of New Haven and NHPS.
8. The parties agree that the NHPS Procurement Coordinator shall always remain for supervisory and administrative purposes under the Office of the City of New Haven Purchasing Agent as defined under City of New Haven Charter and Professional Practice Standards. The NHPS Procurement Coordinator shall be held to standards established by NHPS and City of New Haven procurement

policy under the Supervision of the City of New Haven Purchasing Agent.

9. Should a conflict arise between the City and the Superintendent in connection with the work of the Assistant Corporation Counsel, NHPS Labor and Employment Staff Attorney, and NHPS Procurement Coordinator assigned to the Superintendent the parties agree to work together to resolve the any conflict.
10. Either party may terminate this MOU, either in its entirety or in part with respect to any of the positions described in paragraphs 1, 2, and 3 herein, with or without cause, on sixty (60) days prior written notice.
11. Any notices required or permitted by this MOU or by the parties' relationship shall be given in writing, or by electronic mail addressed to:
  - a. The Corporation Counsel for the City of New Haven, 165 Church St. New Haven, CT 06510; or at such other address as the City shall designate in writing.
  - b. Superintendent, NHPS, 54 Meadow Street, New Haven; or at such other address as the BOE shall designate in writing.

This MOU constitutes the entire understanding between the City and the Superintendent, New Haven Board of Education, with respect to the subject matter hereof and merges all prior and contemporaneous communications, written and oral. This MOU shall not be modified except by a written instrument signed by both parties.

CITY OF NEW HAVEN

BY: \_\_\_\_\_

Patricia King  
Corporation Counsel, City of New Haven  
Duly Authorized

BOARD OF EDUCATION

BY: \_\_\_\_\_

Dr. Madeline Negron,  
Superintendent, New Haven Board of Education,  
Duly Authorized