

REPORT
OF THE
CHARTER REVISION COMMISSION 2010-2011
TOWN OF HAMDEN
THE PROPOSED CHARTER REVISION
FOR SUBMISSION TO
THE TOWN CLERK
AND
THE LEGISLATIVE COUNCIL

May 16, 2011

THIS PAGE INTENTIONALLY LEFT BLANK

CHARTER REVISION COMMISSION

TOWN OF HAMDEN

REV. K. DEXTER CHENEY
Chair

MICHELE MASTROPETRE
Vice Chair

CHERIE GABRIELLE PHOENIX
Secretary

JENNIFER CUTRALI
RICHARD DEPODESTA
LAURA FREEBAIRN-SMITH
JAMES O'BRIEN
RICHARD REILLY
WALTER ROCHOW

KIMBERLY RENTA
Clerk

STEVEN G. MEDNICK
Counsel

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

TABLE OF CONTENTS

PREAMBLE	1
CHAPTER I: CONSTRUCTION OF THE CHARTER OF THE TOWN OF HAMDEN	3
SECTION 1-1: TITLE. 3	
SECTION 1-2: DEFINITIONS AND TITLES GENERALLY.	3
SECTION 1-3: TIME OF APPOINTMENTS AND MEETINGS GENERALLY.	3
SECTION 1-4: DEFINITIONS.	3
CHAPTER II: INCORPORATION AND GENERAL POWERS	7
SECTION 2-1: TERRITORY.....	7
SECTION 2-2: INCORPORATION.....	7
SECTION 2-3: GENERAL GRANT OF POWERS.	7
SECTION 2-4: CONTINUANCE OF RIGHTS AND OBLIGATIONS.....	8
CHAPTER III: ELECTIONS, ELECTORS, ELECTED OFFICIALS AND TERMS OF OFFICE 11	
SECTION 3-1: APPLICATION OF THE GENERAL STATUTES.	11
SECTION 3-2: ELECTORS.....	11
SECTION 3-3: DATE OF ELECTION AND TERMS OF OFFICE FOR ELECTED OFFICES....	11
SECTION 3-4: ELIGIBILITY.	13
SECTION 3-5: VACANCIES IN ELECTED OFFICES.	13
SECTION 3-6: TEMPORARY DISABILITY OR ABSENCE OF THE MAYOR.....	14
SECTION 3-7: REAPPORTIONMENT OF VOTING DISTRICTS.....	15
SECTION 3-8: PUBLIC OFFICIALS TO DELIVER RECORDS TO SUCCESSORS.....	18
SECTION 3-9: CONFLICT OF INTEREST AND ETHICS.	18
SECTION 3-10: REMOVAL OF ELECTED AND OTHER APPOINTED OFFICIALS.	19
CHAPTER IV: LEGISLATIVE COUNCIL	23
SECTION 4-1: LEGISLATIVE POWER.....	23
SECTION 4-2: PRESIDENT OF THE COUNCIL.....	23
SECTION 4-3: PROCEDURES OF THE LEGISLATIVE COUNCIL - PUBLIC PARTICIPATION IN COUNCIL PROCEEDINGS.	23
SECTION 4-4: CLERK OF THE COUNCIL.	24
SECTION 4-5: GENERAL POWERS.....	24
SECTION 4-6: COUNSEL TO COUNCIL.	25
SECTION 4-7: ORDINANCES, STATUTORY RESOLUTIONS, RESOLUTIONS, ORDERS OR MOTIONS: THE ROLE OF THE LEGISLATIVE COUNCIL AND THE MAYOR. 25	
SECTION 4-8: PUBLIC NOTICE OF FINAL ACTION.	26
SECTION 4-9: PETITION FOR OVERRULE.....	27
SECTION 4-10: SELECTION OF INDEPENDENT AUDITORS.....	27
SECTION 4-11: APPROVAL OF MAYORAL APPOINTMENTS.....	28
SECTION 4-12: REGULATION OF MINIMUM REQUIREMENTS OF INTERLOCAL AGREEMENTS BY ORDINANCE.....	28
CHAPTER V: THE MAYOR	31
SECTION 5-1: ELECTION AND QUALIFICATIONS.....	31
SECTION 5-2: DUTIES.....	31
SECTION 5-3: APPOINTMENTS, TERMS OF OFFICE AND GENERAL POWERS.....	32
SECTION 5-4: APPOINTMENTS TO BOARDS OR COMMISSIONS.	32
SECTION 5-5: EMERGENCY POWERS.	33
CHAPTER VI: OTHER ELECTED OFFICIALS	37
SECTION 6-1: TOWN CLERK.	37
SECTION 6-2: REGISTRARS OF VOTERS.	37
CHAPTER VII: BOARDS AND COMMISSIONS	39
SECTION 7-1: GENERAL REQUIREMENTS FOR APPOINTED BOARDS AND COMMISSIONS.	39
SECTION 7-2: BOARDS AND COMMISSIONS ESTABLISHED BY THE CHARTER.....	41

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

A.	Civil Service Commission.....	41
B.	Board of Ethics.....	42
C.	Police Commission.....	44
D.	Fire Commission.....	46
E.	Zoning Board of Appeals.....	47
F.	Planning and Zoning Commission.....	49
G.	Building Board of Appeals.....	50
H.	Personnel Appeals Board.....	50
I.	Library Board.....	51
J.	Inland Wetlands Commission.....	52
SECTION 7-4:	APPOINTED BOARDS AND COMMISSIONS REQUIRED BY THE CHARTER.	
	52	
SECTION 7-5:	APPOINTED BOARDS AND COMMISSIONS ESTABLISHED BY ORDINANCE.	
	53	
SECTION 7-6:	BOARDS APPOINTED BY THE LEGISLATIVE COUNCIL.....	53
A.	Board of Assessment Appeals.....	53
SECTION 7-7:	CONTINUANCE OF BOARDS AND COMMISSIONS.....	54
SECTION 7-8:	MERGER OR CONSOLIDATION OF BOARDS AND COMMISSIONS.....	54
CHAPTER VIII:	THE TOWN GOVERNMENT: DEPARTMENTS AND DEPARTMENT	
	HEADS.....	55
SECTION 8-1:	THE AUTHORITY TO ESTABLISH THE DEPARTMENTS OF TOWN	
	GOVERNMENT.....	55
SECTION 8-2:	APPOINTMENT OF DEPARTMENT HEADS AND OTHER MAYORAL	
	DEPARTMENTAL APPOINTEES; GENERAL REQUIREMENTS.....	56
SECTION 8-3:	THE LEGAL DEPARTMENT - TOWN ATTORNEY.....	58
SECTION 8-4:	GOVERNMENT ADMINISTRATION.....	59
A.	The Department of Finance.....	59
B.	The Tax Collector.....	61
C.	The Assessor.....	61
D.	The Purchasing Agent.....	62
E.	Personnel and Human Resources.....	64
SECTION 8-5:	PUBLIC SAFETY, HEALTH AND COMMUNITY SERVICES.....	66
A.	The Police Department.....	66
B.	The Fire Department.....	67
C.	The Health District.....	68
D.	Community Services.....	69
SECTION 8-6:	GOVERNMENT OPERATIONS AND INFRASTRUCTURE.....	69
A.	Department of Public Works and Parks.....	69
B.	Engineering Department.....	70
SECTION 8-7:	TOWN PLANNING, ZONING ENFORCEMENT, ENVIRONMENT AND	
	ECONOMIC DEVELOPMENT.....	71
A.	Town Planning and Zoning Enforcement Responsibilities.....	71
B.	Building Department.....	71
C.	The Town Planning and Zoning Department.....	72
D.	Other Departments.....	73
CHAPTER IX:	EDUCATION.....	75
SECTION 9-1:	BOARD OF EDUCATION.....	75
SECTION 9-2:	BUDGET.....	75
CHAPTER X:	BUDGET.....	77
SECTION 10-1:	FORMULATION AND SUBMISSION OF TOWN BUDGETARY REQUESTS.....	77
SECTION 10-2:	THE MAYOR, AND THE DIRECTOR OF FINANCE AND THE BUDGET... ..	77
SECTION 10-3:	LEGISLATIVE ACTION ON THE PROPOSED TOWN BUDGET.....	79
SECTION 10-4:	APPROVAL, VETO, ACCEPTANCE AND VETO OVERRIDE OF THE	
	ADOPTED TOWN BUDGET.....	80

**CHARTER
TOWN OF HAMDEN**
Last Revised - 8 November 1983

SECTION 10-5: PETITION FOR BUDGET OVERRULE.....	81
SECTION 10-6: FISCAL YEAR.....	82
SECTION 10-7: EXPENDITURES AND ACCOUNTING.....	82
SECTION 10-8: PUBLIC FUNDS AND FINANCE.....	84
SECTION 10-9: REFERENDUM ON BORROWING OF FUNDS.....	84
CHAPTER XI: TRANSITION AND MISCELLANEOUS PROVISIONS.....	85
SECTION 11-1: LEGAL PROCEEDINGS.....	85
SECTION 11-2: PERIODIC REVIEW OF THE CHARTER.....	85
SECTION 11-3: EXISTING LAWS AND ORDINANCES.....	85
SECTION 11-4: AMENDMENT OF CHARTER.....	85
SECTION 11-5: SAVING CLAUSE.....	86
SECTION 11-6: EFFECTIVE DATE.....	86
SECTION 11-7: "TRANSITION PROVISION A" PERTAINING TO §3-3.B (1) OF THIS CHARTER AND MUNICIPAL GENERAL ELECTION OF 2013.....	86
SECTION 11-8: "TRANSITION PROVISION B" PERTAINING TO §3-3.B (1) OF THIS CHARTER AND THE MUNICIPAL GENERAL ELECTION OF 2015.....	86
SECTION 11-9: "TRANSITION PROVISION C" PERTAINING TO §3-3.B (3) OF THIS CHARTER --- THE GENERAL ELECTION SCHEDULED FOR 2012.....	86
SECTION 11-10: "TRANSITION PROVISION D" PERTAINING TO §3-3.B (3) OF THIS CHARTER --- THE TERM OF OFFICE FOR THE REGISTRARS OF VOTER ELECTED IN THE GENERAL ELECTION SCHEDULED FOR 2012.....	87
SECTION 11-11: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR REGULAR MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	87
SECTION 11-12: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	87
SECTION 11-13: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR REGULAR MEMBERS OF PLANNING AND ZONING COMMISSION DERIVED FROM §13-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	87
SECTION 11-14: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF PLANNING AND ZONING COMMISSION DERIVED FROM §13-2 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	88
SECTION 11-15: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE PERSONNEL APPEALS BOARD DERIVED FROM §17-5 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	88
SECTION 11-16: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE LIBRARY BOARD DERIVED FROM §14-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	88
SECTION 11-17: "TRANSITION PROVISION E" PERTAINING TO §7-3.J OF THIS CHARTER --- THE INLAND WETLANDS COMMISSION.....	89
SECTION 11-18: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE BOARD OF TAX REVIEW DERIVED FROM §4-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	89
SECTION 11-19: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR THE SIX MEMBERS OF THE BOARD OF EDUCATION DERIVED FROM §12-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	89
SECTION 11-20: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR THE THREE MEMBERS OF THE BOARD OF EDUCATION DERIVED FROM §12-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).....	89

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER XII: SUNSET PROVISIONS	91
SECTION 12-1: Generally.....	91
SECTION 12-2: Ethics Commission.	91
SECTION 12-3: Parks and Recreation Commission.	92
CHAPTER XIII: HISTORICAL PROVISIONS	93
SECTION 13-1: Status of Present Employees.....	93

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

PREAMBLE

Hamden's strength, inclusiveness, and innovation are the foundation of our community. To ensure our continued growth and that future generations reap the rewards of our unique spirit, we embrace the provisions of this Charter which is a blueprint for ethical, professional, and honest government. The words of this Charter create structures designed to meet the needs of the people, conserve our natural and public resources, make efficient use of technology and enhance our economy. To these ends, and in recognition of the sacrifices by those who came before us and by those who will follow us on this journey of self-governance, we, the Electors of the Town of Hamden, pursuant to the provisions of Chapter 99 of the Connecticut General Statutes, as amended, do approve this Charter for the Town of Hamden.

Adopted Town of Hamden Electors _____

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER I: CONSTRUCTION OF THE CHARTER OF THE TOWN OF HAMDEN

SECTION 1-1: TITLE¹.

The title of this Act shall be the "Charter of the Town of Hamden".

SECTION 1-2: DEFINITIONS AND TITLES GENERALLY².

The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Sections are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

SECTION 1-3: TIME OF APPOINTMENTS AND MEETINGS GENERALLY³.

Except as otherwise provided in this Charter, any appointment to office or election by the Legislative Council to fill a Vacancy required herein to be made on or before a certain Day shall be, if made after that Day, as valid and effective as if made on the Day specified. If the day on which any meeting specified to be held shall be a Saturday, Sunday or legal holiday, the meeting shall be held on the first business day following. Any meeting required by this Charter to be held on a certain Day shall be deemed, for all purposes, to be a regular meeting. The Mayor shall designate the place of all meetings provided for in this Charter, unless the place of meeting is specified herein or fixed by Ordinance. However, in the absence of any such designation by the Mayor, the person responsible for convening the meeting shall designate the place thereof.

SECTION 1-4: DEFINITIONS⁴.

Whenever used in this Charter:

A. "Board" or "Commission". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" shall include all Boards, agencies, Commissions, authorities or like entities of the Town, whether elected or appointed.

B. "Capital Expenditures" means expenditures for (1) any physical betterment or improvement or any preliminary studies or surveys relative thereto; (2) the acquisition of real property or other property of a permanent nature; (3) the purchase or acquisition of equipment for any public betterment or improvement; (4) major alterations and repairs to existing buildings, structures or equipment; or (5) any lease which commits the Town to more than one year of aggregate payments in an amount set by the Legislative Council, from time to time.

C. "Charter" shall mean the Charter of the Town of Hamden.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

D. "Classified Service"⁵ means the employees of the Town, covered by the Merit System of the Town (including civil service rules and regulations) appointed to all positions now or hereafter created except those positions excluded by this Charter (or collective bargaining agreement), Elected Officials or other Officials whose appointments and terms are prescribed by the General Statutes, and such other positions as the Civil Service Commission may determine, after investigation, to be within an area intended for exclusion from the classified service.

E. "Council" or "Legislative Council" means the Legislative Council of the Town, the legislative body of the municipality, as required by the General Statutes⁶.

F. "Day(s)" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law.

G. "Department" means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

H. "Department Head" means an employee who heads any Department in the Town; has substantial supervisory control of a permanent nature over other municipal employees; and, is directly accountable to the Mayor.

I. "Elected Official" or "Elected Official of the Town" means an individual who holds an elected municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the Town. The Elected Officials of the Town are set forth in §3-3.A (1) of this Charter.

J. "Elector" shall have the meaning contained in the General Statutes⁷.

K. "Final Action" means the last acts taken by the Mayor or the Legislative Council on an Ordinance or other measure that requires mayoral and legislative action under the provisions of §§4-7.B or 4-7.C of this Charter; §§10-4.A (1)(a) or (b) or 10-4.A (2) of this Charter; and, an Ordinance required by §4-5.E of this Charter. Final Action with regard to Resolutions, with the exception of Statutory Resolutions, shall be upon approval by a Majority Vote of the Legislative Council.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

L. "General Statutes" shall mean the General Statutes of the State of Connecticut, as amended from time to time.

M. "Law" includes, but is not limited to, decisions of courts and administrative bodies, federal or state legislative enactments, rules and regulations and local ordinance and regulations.

N. "Majority Vote of the Legislative Council" means more than half of the votes have been cast by the members at a meeting of the Council at which a quorum is present.

O. "Mayor" shall mean the chief executive officer of the municipality, as required by the General Statutes⁸.

P. "Meeting (or Hearing) Notice" means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the Town Clerk, as well the requirement pertaining to special and emergency meetings. In addition to the above-referenced postings, the Town may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

Q. "Merit System" shall mean the Civil Service and Merit System of the Town, as required by this Charter and set forth in the Ordinances of the Town.

R. "Official" or "Public Official" means an individual who holds an elected or appointed municipal office in the Town; including but not limited to Elected Officials of the Town; employees appointed subject to §8-2.A of this Charter; and, members of Boards and Commissions. "Appointed Public Officials" shall include all Public Officials to the exclusion of Elected Public Officials. When the term "officer" is used, it shall be synonymous with the term "Official".

S. "Order" or "Motion" means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed contracts or other matters upon which are conferred temporary power or authority which when its purpose has been accomplished it ceases to require further authority. Orders and Motions shall be enacted in accordance with the provisions of this Charter.

T. "Ordinances" or "Ordinances of the Town" shall mean the powers of the Town to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter..

U. "Public Notice" means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. It specifically includes matters where "publication" was required under the prior Charter or the General Statutes. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice may be posted (1) in the Office of the Town Clerk; (2) in the central Town Library (and each branch of the Town Library); (3) on the Town web-site or through other electronic media; and, (4) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town.

V. "Resolution" means an action by the Legislative Council that (1) expresses the sentiment or intent of the Council; (2) governs the business of the Council; or, (3) expresses recognition by the Council. A declaratory statement of the Council on a given matter.

W. "Special Acts" or "Special Laws" shall mean the acts of the General Assembly pertinent to the Town.

X. "State" or "Connecticut" shall mean the State of Connecticut.

Y. "State Constitution" shall mean the Constitution of the State of Connecticut.

Z. "Statutory Resolution" means a necessary legislative action required by General Statutes in order to utilize the provisions of State enabling legislation. Statutory Resolutions shall be enacted in the same manner as an Ordinance under the provisions of this Charter.

AA. "Town" shall mean the Town of Hamden.

BB. "Vacancy" or, in the alternative the use of the word "Vacant" means whenever any Official of the Town, including Registrars of Voters, is unable to complete the current term of office due to death, resignation, removal, incapacity or other reason as may be defined by Ordinance⁹.

CC. Where reference is made to "Action to be Taken by a Department Head," the specified action may be taken by that Department Head or a designee.

DD. Where reference is made to "Mayor or designee," the identity of the designee shall at all times be determined, in the sole discretion, of the Mayor.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER II: INCORPORATION AND GENERAL POWERS¹⁰

SECTION 2-1: TERRITORY¹¹.

The territorial limits of the body politic and corporate under the name of "The Town of Hamden" shall include all the land and territory situated within the said Town.

SECTION 2-2: INCORPORATION¹².

All the Electors of this State, dwelling within the said limits, shall continue to be a body politic and corporate by the name of the Town of Hamden and by that name they and their successors shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town of Hamden and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the State Constitution and the General Statutes.

SECTION 2-3: GENERAL GRANT OF POWERS.

A. In addition to all powers granted to municipalities under the State Constitution and the General Statutes, or which may hereinafter be conferred, the Town shall have all powers¹³:

(1) specifically granted by this Charter and all powers fairly implied in or incidental to the powers expressly granted by the State to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or any agency thereof, the State or any agency or any political subdivision thereof for services and the use of facilities, the exercise of which is set forth by Law;

(2) conferred by the Special Acts, which the Town deems to be of continued applicability; and,

(3) now granted or that may hereafter be granted to municipalities under the State Constitution or the General Statutes.

B. The enumeration of particular powers in this and of any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto. Said Town shall exercise all the rights, powers, privileges, functions and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon this corporation¹⁴.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

SECTION 2-4: CONTINUANCE OF RIGHTS AND OBLIGATIONS.

A. All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or *inchoate*, in said Town as of the effective date of this Charter are continued in said Town and said Town shall continue to be liable for all debts of every kind for which said Town shall be liable on said date, whether accrued or not¹⁵.

B. Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt or lien¹⁶.

C. If any contract has been entered into by said Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said Town which contains a provision that the same may be enforced by any Commission, Board, Department or Official therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such Commission, Board, Department or Official shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said Town¹⁷.

D. The powers which are conferred and the duties which are imposed upon any Commission, Board, Department or Official under the General Statutes or special acts concerning the Town or any Ordinance or regulation in force at the time this Charter shall take effect, shall, unless otherwise provided in this Charter, thereafter be exercised and discharged by the Commission, Board, Department or Official upon which are imposed such powers and duties under the provisions of this Charter¹⁸.

E. All Commissions, Boards, Departments or offices abolished by this Charter, whether elected or appointed, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such Commissions, Boards, Departments or offices and until the Town Clerk shall have notified the members of such Commissions, Boards, Departments or offices as are abolished by this Charter that their successors have been appointed¹⁹.

F. All records, property and equipment whatsoever of any Commission, Board, Department or Official or part thereof, all the powers and duties of which are assigned to any other Commission, Board, Department or Official by this Charter, shall be transferred and delivered intact to the Commission, Board, Department or Official to which such powers and duties are so assigned²⁰.

G. If part of the powers and duties of any Commission, Board, Department or office or part thereof are by this Charter assigned to another Commission, Board, Department or office all records, property and equipment

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

relating exclusively thereto shall be transferred and delivered intact to the Commission, Board, Department or office to which such powers and duties are so assigned²¹.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

**CHAPTER III: ELECTIONS, ELECTORS, ELECTED OFFICIALS AND TERMS OF
OFFICE²²**

SECTION 3-1: APPLICATION OF THE GENERAL STATUTES²³.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The Legislative Council shall provide by Ordinance for the manner of warning (or notice) of municipal elections and such additional regulations in respect of elections, not inconsistent with the General Statutes or this Charter, as may be necessary to accomplish the intent of this chapter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes²⁴.

SECTION 3-2: ELECTORS.

A. Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town. All such Electors whose names are legally registered on the list of voters shall be entitled to vote at such elections²⁵.

B. The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town²⁶.

**SECTION 3-3: DATE OF ELECTION AND TERMS OF OFFICE FOR ELECTED
OFFICES.**

A. Commencement of the Term of Office.

(1) **Elected Officials²⁷.** The Elected Town Officials are: (a) Mayor; (b) Town Clerk; (c) Fifteen (15) Members of the Legislative Council (six (6) At-Large and one member from each of the nine (9) voting districts)²⁸; and (d) Nine (9) members of the Board of Education²⁹. The Registrars of Voters are also considered to be Elected Officials.

(2) **Municipal Offices (including Board of Education)³⁰.** The terms of all Elected Officials declared elected hereunder shall commence at twelve noon on the last Sunday of November following their election and until their respective successors have been chosen and qualified³¹.

(3) **State Office - Registrars of Voters³².** The terms of the Registrars of Voters shall commence on the date set forth in the General Statutes.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

B. Date of Election of Elected Officials.

(1) **Municipal Offices³³.** Except as hereinafter provided, on the first Tuesday after the first Monday in November 2017 and in the odd numbered years thereafter, as the term of office shall fall (as set forth in §3-3.C (1) of this Charter), the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, the following officers: (a) Mayor; (b) Town Clerk; (c) Members of the Legislative Council (six (6) At-Large and nine (9) District Representatives); and (d) Nine (9) members of the Board of Education (*Transition Provisions A and B: See, §§11-7 and 11-8 of this Charter pertaining to the transitional municipal general elections scheduled for 2013 and 2015*).

(2) **State Office - Registrars of Voters³⁴.** On the first Tuesday after the first Monday in November 2014 and in the even numbered years thereafter as the term of office shall fall (as set forth in §3-3.C (1) (c) of this Charter), the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, Registrars of Voters (*Transition Provision C: See, §11-9 of this Charter pertaining to the transitional election scheduled for 2012*).

C. Term of Office - Four Year Term³⁵.

(1) **Municipal Offices Set as forth in §3-3.B (1) of this Charter.** Commencing at twelve noon on the last Sunday of November following their election in 2017 and quadrennially thereafter, the Elected Officials set forth in §3-3.B(1) of this Charter, shall hold their respective offices for a term of four (4) years.

(2) **Registrars of Voters as set forth in §3-3.B (3) of this Charter.** Commencing at twelve noon on the last Sunday of November following their election in 2014 and quadrennially thereafter, the Elected Officials set forth in §3-3.B (3) of this Charter, shall hold their respective offices for a term of four (4) years (*Transition Provision D: See, §11-10 of this Charter pertaining to the transitional election scheduled for 2012*).

D. The names of all candidates duly placed on the ballot shall be arranged as set forth in the General Statutes. All elected offices shall be filled as a result of the election process³⁶.

E. **Election of At-Large Members of the Legislative Council.** The Electors shall vote for no more than four (4) of the at-large candidates for the Council³⁷. Each major or minor party, as defined by the General Statutes³⁸ and petitioning slates of candidates (if permitted by the General Statutes), may nominate up to four (4) candidates for the members at large, and those six (6) candidates receiving the highest number of votes shall be elected³⁹.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

F. **Election of Members of the Board of Education.** At the conclusion of the transition provisions set forth in §§11-7 and 11-8 of this Charter, no more than six (6) members of the Board of Education shall be from the same political party⁴⁰.

SECTION 3-4: ELIGIBILITY⁴¹.

No person shall be eligible for nomination or election to any Town office who is not an Elector⁴² of the Town, and, in the case of a district council representative, a resident of that particular district. Any person ceasing to be a resident, where such residence is required for eligibility, shall thereupon cease to hold elective office in the Town or district.

SECTION 3-5: VACANCIES IN ELECTED OFFICES⁴³.

A. **Mayor⁴⁴.** A Vacancy in the office of the Mayor shall be addressed as follows:

(1) **When there is greater than six months remaining in the term of office.** The President of the Legislative Council shall serve as Acting Mayor⁴⁵ until a successor is elected at a special election. Said special election shall be called forthwith to fill the Vacancy and shall be held in the time-frame as may be set forth in the General Statutes. In the event the General Statutes are silent, the special election shall be held no later than forty-five (45) Days from the effective date of the Vacancy, as declared by the Town Clerk. The person so elected shall assume the office of Mayor on the date of election and serve for the unexpired term. Such successor shall have the rights, powers and duties of Mayor and shall receive the same compensation otherwise due the Mayor.

(a) In the event the President shall serve as Acting Mayor, the office of President of the Legislative Council and a member of the Legislative Council shall not be deemed Vacant. However, the Acting Mayor shall have no vote and may only participate in Legislative Council proceedings in accordance with the functions and duties of the Mayor.

(b) During the absence of the President for the purposes of this provision, the President Pro Tempore shall preside and conduct the business of the President.

(2) **Final Six Months of the Term of Office.** The President of the Legislative Council shall at once become Mayor for the unexpired term and shall assume office on the date of Vacancy and serve for the unexpired term. Such successor shall have the rights, powers and duties of Mayor and shall receive the same compensation otherwise due the Mayor. In the event the President shall serve for the remainder of the term of Mayor, the office of the President of the Legislative Council and a

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

seat on the Legislative Council shall become Vacant whenever the person holding them shall become Mayor and the President Pro Tempore shall succeed to the Office of President.

B. Legislative Council, Town Clerk and Registrars of Voters. Any Vacancy in any elected Town office, except the Board of Education and the Office of the Mayor, from whatever cause arising, except as hereinafter provided, shall be filled by a Majority Vote of the Legislative Council for the unexpired portion of the term⁴⁶.

(1) All such Vacancies shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office⁴⁷. In the event there is no other member of the political party appertaining to the vacating member, the appointment shall not be made from the party containing the majority of members⁴⁸.

C. Board of Education. Until the next Town election, any Vacancy in the Board of Education shall be filled by election by the remaining members of the Board of Education⁴⁹.

(1) All such Vacancies filled by election of the Board of Education shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office⁵⁰. In the event there is no other member of the political party appertaining to the vacating member, the appointment shall not be made from the party containing the majority of members⁵¹.

SECTION 3-6: TEMPORARY DISABILITY OR ABSENCE OF THE MAYOR.

A. In the event the Mayor notifies the President of the Council of an inability to attend to the duties of office due to absence from the Town, temporary disability or sickness or other cause, the President of the Council shall serve as Acting Mayor at a rate of compensation to be determined by the Council⁵².

(1) There shall be no Vacancy in the Office of the President of the Legislative Council when the President serves as set forth in §3-6.A (1) (a) of this Charter⁵³.

B. In the event the Mayor fails to notify the President of the Council under the provisions of §3-6.A of this Charter, and it is determined that the Mayor is unable to attend to the duties of office due to an unexplained and sustained absence from the Town, temporary disability or sickness or absence or other cause, the Legislative Council may determine the temporary disability or absence of the Mayor by a vote of two-thirds (2/3rds) of the Council present and voting; although there shall be, at least, nine (9) members voting in the affirmative⁵⁴.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

SECTION 3-7: REAPPORTIONMENT OF VOTING DISTRICTS⁵⁵.

A. Nine Voting Districts and Standards Pertaining to Reapportionment. The Town shall be divided into nine (9) voting districts, each of which shall be represented by a district representative on the Legislative Council and shall be substantially equal in population consistent with federal constitutional standards. Moreover, said voting districts shall be in as compact and contiguous a form as practicable and shall follow geographical divisions wherever practical in determining voting district boundaries.

B. Final Action on Adoption of a Reapportionment Plan. On or before the date set forth in the General Statutes, the Legislative Council shall adopt a reapportionment plan for such legislative body. At the time of the adoption of this Charter, the reapportionment plan shall be adopted not later than the first (1st) Day of June in the year after the first regular General Assembly election following a reapportionment of the General Assembly.

C. Assembly of Census and State Reapportionment Information and Data. Following the 2010 census and every ten (10) years thereafter, the Town shall commence the process of reapportioning the voting districts. Upon issuance of the reports of the applicable Federal Decennial Census, the Registrar of Voters shall assemble information and data relating to the census and the State redistricting process. Said information and data shall be transmitted at the appropriate time to the participants in the reapportionment process.

D. First Reapportionment Commission. No later than the 1st Day of March of the year following reapportionment of the General Assembly and every ten years thereafter, a Reapportionment Commission shall be appointed by the Legislative Council.

(1) The seven (7) member Commission shall be comprised of (a) the two (2) Registrars of Voters; and, (b) five (5) Electors recommended by the President of the Legislative Council and approved by the Council, no more than two (2) of whom shall be from the same political party.

(2) The Commission shall conduct a public hearing on a proposed Ordinance, Report and Reapportionment Plan (the "ORRP"), at least, one week prior to approval and submission to the Council. Public Notice shall be provided, at least, five (5) Days prior to the public hearing; said Notice shall include the contents of the ORRP as well as a copy of a map illustrating the boundary lines of each of the proposed voting districts. On the basis of information elicited at the public hearing, the Commission may thereafter alter the Report and Plan.

(3) Approval of the ORRP shall require the affirmative votes of, at least, five (5) members of the Commission.

(4) The Commission shall file the ORRP with the Clerk of the

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

Council within six (6) months after appointment and may utilize demographic data (based upon census data) assembled by the Town utilizing the technological resources of the Town and such other resources, facilities and funding the Council may deem desirable to carry out the purposes of this section. Receipt of the ORRP shall be deemed to be the date upon which it is filed with the Clerk of the Council.

(5) The ORRP shall recommend and set forth the boundaries of each of the proposed voting districts and, upon recommendation of the Registrars of Voters, include an enumeration of suitable polling places within each district.

(6) In the event the Commission fails to submit the ORRP as set forth in §3-7.D (4) of this Charter, then a Second Reapportionment Commission shall be established as set forth in §3-7.F of this Charter.

E. Action by the Legislative Council on the Proposal of the First Reapportionment Commission, if any. Within sixty (60) Days following receipt of the ORRP and after a public hearing thereon, the Legislative Council shall accept, reject, or modify the ORRP. Within thirty (30) Days following said legislative action:

(1) If the ORRP is accepted or modified, the Ordinance in conjunction with the ORRP approved by the Legislative Council shall be deemed adopted in compliance with the requirements of the General Statutes and have the full force of law and become effective for the next municipal general election.

(2) If the ORRP is rejected, then a Second Reapportionment Commission shall be established as set forth in § 3-7.F of this Charter.

(3) Approval of the ORRP and the Ordinance contained therein shall require an affirmative vote of, at least, two-thirds (2/3rds) of the Council, present and voting.

F. Second Reapportionment Commission. Within fourteen (14) Days following the failure of the Reapportionment Commission to submit the ORRP, as set forth in §3-7.D (6) of this Charter; or, the rejection of the ORRP by the Legislative Council, as set forth in §3-7.E (2) of this Charter, the Mayor shall appoint a Second Reapportionment Commission.

(1) The Commission shall be comprised of nine (9) Electors, as follows: (a) three (3) recommended by the Council Majority Leader; (b) three (3) recommended by the Council Minority Leader; and (c) three (3) upon the Mayor's designation, provided that there are members of no more than two (2) political parties in the Council. In the event that there are members of more than two political parties, or members of two (2) political parties and members unaffiliated with a political party, the

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

members of the Council who are not affiliated with the majority political party shall select one of their number, which person shall designate two (2) more members of the Commission in lieu of the designation by the minority leader of the Council.

(2) The Commission shall consider the reapportionment of districts in accordance with the standards set forth herein and shall submit a Reapportionment Plan and Ordinance ("RPO") to the Clerk of the Council within ninety (90) Days of the appointment by the Mayor.

(3) The RPO shall not be submitted to the Clerk of the Council unless it is approved by, at least, seven (7) members of the Commission. In such event, the Legislative Council shall act in accordance with §3-7.G (2) of this Charter.

G. Action by the Legislative Council on the Proposal of the Second Reapportionment Commission. Within sixty (60) Days following receipt of the RPO and after a public hearing thereon, the Legislative Council may:

(1) Approve the RPO by an affirmative vote of at least two-thirds (2/3^{rds}) of the Council present and voting, and, following said approval, the districts set forth in the accompanying Ordinance shall be deemed adopted in compliance with the requirements of the General Statutes, and have the full force of law and become effective for the next municipal general election; or,

(2) Reject the RPO; in which event the Council shall formulate and approve a Redistricting Plan and Ordinance, in accordance with the standards set forth herein and within the statutory time-frame established by the General Statutes and as set forth in §3-7.B of this Charter. If approved, the Ordinance shall be deemed adopted in compliance with the requirements of the General Statutes and shall have the full force of law and become effective for the next municipal general election

H. Failure of the Legislative Council to Adopt an Ordinance Pursuant to §3-7.G (2) of this Charter. In the event the Legislative Council fails to approve an Ordinance in accordance with the provisions of §3-7.G (2) of this Charter, the Ordinance included in the RPO submitted by the Second Reapportionment Commission (see, §3-7.F (2) of this Charter) shall be deemed to be approved by the Legislative Council and shall be deemed adopted in compliance with the requirements of the General Statutes and shall have the full force of law and become effective for the next municipal general election. The effective date shall be deemed to be the final date permitted for enactment of municipal reapportionment by the General Statutes.

I. Notwithstanding the adoption of a plan of redistricting, members of the Legislative Council shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

**CHARTER
TOWN OF HAMDEN**
Last Revised - 8 November 1983

SECTION 3-8: PUBLIC OFFICIALS TO DELIVER RECORDS TO SUCCESSORS⁵⁶.

On or before the date a successor takes office, each Public Official, upon the expiration of the applicable term of office or termination of employment, shall deliver to the successor all books, data, documents, books of account (or equivalent) records, vouchers, papers of every description and memoranda (in all existing formats including electronic media of any and all types) ("Records") under the control of the Official relating to the business of the Town during the entire term of office or employment by the Town. The delivery of such Records shall be carried out in accordance with an Ordinance establishing the parameters of this provision and the rules necessary to comply with any related provisions of the General Statutes. The rules of the Legislative Council shall set forth the parameters of this provisions with regard to Records assembled by individual members of the Council. Such Officials shall be personally liable to the Town for complete and safe delivery of all such Records to the successor Official. Any Official who shall violate any provision of this section shall be fined in an amount which shall be established by Ordinance.

SECTION 3-9: CONFLICT OF INTEREST AND ETHICS⁵⁷.

A. Statement of Purpose⁵⁸. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by Officials affect every citizen of the municipality, and it must be based on honest and fair deliberations and decision. This process must be free from threats, favoritism, nepotism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By setting forth this Statement of Purpose, the Town of Hamden seeks to articulate a policy that will continually strive to maintain and increase the confidence of our citizens in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to assure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public confidence in the integrity of the competitive process. In all cases, the reality and appearance of impropriety should be addressed by the policies of the Town.

B. Conflict of Interest Policy and Ethics Ordinance⁵⁹. The Town shall enact, by Ordinance, a code of ethics for all Officials and employees of the Town, whether elected or appointed, paid or unpaid, and individuals and entities seeking to and conducting business with the Town. The purpose of such code is to establish suitable ethical standards by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Town, and by directing disclosure of private financial interest or personal interest⁶⁰ in matters affecting the Town by such elected and appointed Officials or employees as well as such individuals and entities seeking to and conducting business with the Town. All Public Officials and employees of the Town shall be advised of the provisions of §3-9 of this Charter and the implementing Ordinances and policies enacted hereunder upon the commencement of their public service and employment.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

(1) The Council shall enact a Code of Ethics by Ordinance (and amendments thereto) following public review and comment by the Board of Ethics, in a manner consistent with the provisions of this Charter⁶¹.

(2) **Recusal**⁶². The Official filing a disclosure under this Charter or Ordinance with the Town Clerk shall refrain from voting, participating or acting on matters which are the subject of such disclosures.

(3) **Violation**. In addition to any remedies or penalties set forth in the Ordinance effectuating this provision of the Charter, any violation of the provisions of this section of the Charter or any Ordinance enacted hereunder:

(a) shall render any action, including but not limited to any contract or agreement involved voidable at the option of the Town⁶³;

(b) may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances⁶⁴; and,

(c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance⁶⁵.

C. Conflict of Interest and Corrupt Practices⁶⁶. No Official shall violate the provisions of the General Statutes⁶⁷, this Charter or Ordinances pertaining to conflicts of interest and corrupt practices⁶⁸. The Ordinance set forth in §3-7.B of this Charter shall define and set forth the parameters of conflicts of interest and corrupt practices⁶⁹.

SECTION 3-10: REMOVAL OF ELECTED AND OTHER APPOINTED OFFICIALS⁷⁰.

A. Standard for Removal. Unless otherwise set forth in this Charter, any Elected Official or Appointed Official (with the exception of members of Boards and Commissions, who may be removed in accordance with §7-1.H of this Charter), may be removed from office, for cause, by the Legislative Council by a vote of two-thirds (2/3rds) of the entire membership of the Council; subject to any applicable provisions of the General Statutes⁷¹.

(1) The applicable provisions of the General Statutes shall be taken into consideration with regard to the removal proceedings of the Town Clerk⁷², Chief of Police, Fire Chief, Fire Marshal, Building Official and any other Officials designated for protection by the General Statutes⁷³.

(2) Notwithstanding the grounds for cause set forth herein, the Mayor shall have the power to remove any Appointed Official who serves

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

a term coterminous with the Mayor (as specifically set forth in this Charter and any Ordinance creating the applicable Department); unless otherwise provided for in this Charter or by law⁷⁴.

B. **Recitation of Charges**⁷⁵. No such Elected or Appointed Official of the Town ("charged party") may be removed except upon charges, which shall be proffered following a majority vote of the Legislative Council. Removal may not occur in the absence of a hearing thereon before a plenary session of the Council.

C. **Notice**⁷⁶. Written notice by the Council of the charges and time and place of hearing shall be given to the charged party at least fifteen (15) Days prior to such hearing. Said notice shall either be (1) mailed to the charged party by registered or certified mail, in each case, return receipt requested and postage prepaid or national recognized overnight courier, with receipt and all fees prepaid; or, (2) addressed to an officer authorized to serve legal process with a direction to make personal service upon the charged party of the same, within the time prescribed.

D. **Grounds of Cause.** Such charges shall be for:

- (1) A finding by the Board of Ethics of neglect or dereliction of official duty or a violation of (a) the conflict of interest and ethics standards and provisions of this Charter and/or Ordinances; or, (b) any other provisions of the Charter⁷⁷;
- (2) Conviction of a felony⁷⁸;
- (3) Conviction of a lesser crime involving fraudulent or dishonest conduct⁷⁹;
- (4) Determination of physical or mental incapacity to serve, based upon the best evidence as presented by competent authority⁸⁰;
- (5) Determination of incompetence based upon the best evidence as presented by competent authority⁸¹;
- (6) Documented poor performance of an Appointed Official kept in the normal course of business⁸²;
- (7) Habitual absence from office, as may be defined by the Mayor for Appointed Officials or by the adopted rules of procedure for the Legislative Council or Board or Commission⁸³;
- (8) A delinquency materially affecting the person's general character or fitness for office⁸⁴; or,
- (9) Such actions as may be set forth in the Ordinance by the

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

Council⁸⁵.

E. **Right to Counsel**⁸⁶. Such Elected or Appointed Official shall have the right to be represented by counsel at the hearing, to present evidence and testimony personally and through witnesses, and to cross-examine witnesses.

F. **Public Hearing**⁸⁷. Such hearing shall be open to the public and transcribed, except as otherwise permitted by Law.

G. **Appeal**. Any such Elected or Appointed Official may, within thirty (30) Days from the date when the decision to remove is taken following such hearing, take any appeals as may be permitted by law⁸⁸.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER IV: LEGISLATIVE COUNCIL⁸⁹

SECTION 4-1: LEGISLATIVE POWER⁹⁰.

A. The legislative power and authority of the Town shall be vested in the Legislative Council⁹¹. No enumeration of powers set forth in this Charter shall be deemed to limit the legislative authority of the Council as provided for in the General Statutes⁹²⁹³.

SECTION 4-2: PRESIDENT OF THE COUNCIL.

A. The members of the Council shall meet on the first Monday after the commencement of their terms of office as provided in §3-2 of this Charter and shall choose one of its members to be President of the Council for the term of office⁹⁴.

B. Such President shall preside over all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council, but such President shall not vote more than once on any question⁹⁵.

C. During the President's absence or disability, the President's duties shall be performed by the President Pro Tempore⁹⁶.

SECTION 4-3: PROCEDURES OF THE LEGISLATIVE COUNCIL - PUBLIC PARTICIPATION IN COUNCIL PROCEEDINGS⁹⁷.

A. **Meetings and Rules of Procedure.** At the first meeting of the Council following the Town election, the Council shall:

(1) **Rules of Procedure: Quorum.** Adopt rules of procedure including the creation of such committees as it deems necessary⁹⁸. A majority of the total membership of the Council shall constitute a quorum for the transaction of all business⁹⁹.

(2) **Regular Meetings and Committee Meetings.** Fix the time and place of its regular and committee meetings and shall post such meetings as required by the General Statutes¹⁰⁰. The Council shall schedule at least one regular meeting and one Committee meeting a month¹⁰¹.

(3) **Special Meetings and Emergency Meetings¹⁰².** At the first meeting of the Council following the Town election, the Council shall provide a method for the calling of special meetings in accordance with the General Statutes. Emergency Meetings shall be convened as set forth in §5-5.D of this Charter¹⁰³.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

B. **Public Hearings**¹⁰⁴. At least one public hearing shall be held by the Council or any committee thereof before any Ordinance or Statutory Resolution, Resolution, Order or Motion shall be passed except any Ordinance, Resolution, Order or Motion relating to the procedures of the Council. Meeting Notice of such public hearing shall be given by at least five (5) Days prior thereto.

C. **Open Meetings and Public Comment Sessions**¹⁰⁵. All meetings of the Legislative Council shall be open to the public in accordance with the General Statutes¹⁰⁶. Moreover, there shall be a public comment session prior to the commencement of all meetings of the Legislative Council. The time and duration of the public comment sessions shall be determined in accordance with the provisions of *Standing Rules of Order of the Hamden Legislative Council*, adopted in accordance with §4-3.A (1) of this Charter. With respect to the meetings of the Standing and Special Committees of the Legislative Council, the public may address any item on the agenda. With respect to the plenary meetings of the Legislative Council, the public may address any item on the agenda and any other matters concerning the Town that are within the purview of the Legislative Council.

SECTION 4-4: CLERK OF THE COUNCIL.

A. There shall be a Clerk of the Council, recommended by the President and approved by the Council, whose compensation shall be fixed by the Council, and who shall keep for public inspection copies of every proposed Ordinance and a record of all proceedings including all roll call votes¹⁰⁷.

B. All records so kept shall be authenticated by the signature of such Clerk of the Council or the President of the Council or both¹⁰⁸.

C. The Clerk of the Council shall be responsible for the publication of such notices of hearing and publication of Ordinances, as may be necessary, and perform such other duties as the Council may determine¹⁰⁹.

SECTION 4-5: GENERAL POWERS¹¹⁰.

In addition to the grant of legislative authority as set forth in the General Statutes, the Legislative Council, by majority vote (unless otherwise set forth in this Charter), shall have the power to:

A. enact, amend or repeal Ordinances, Statutory Resolutions, Resolutions, Orders or Motions consistent with this Charter or the General Statutes¹¹¹;

B. create or abolish Boards, Commissions, Departments, Offices and positions, unless required by the Charter or reorganized as permitted by §8-1.B (1) of this Charter, for the preservation of good order, peace, health and safety of the Town and its inhabitants, including the power to enact a Code of Ethics

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

regulating the conduct of all Officials and employees of said Town¹¹² ;

- C. increase or decrease the budget or any item thereof¹¹³;
- D. contract for legislative services, upon action by Order or Motion¹¹⁴;
- E. contract, upon action by Order or Motion, for the use of facilities of the United States or any federal agency, the State and any political subdivision thereof, or may, by agreement, join with any other such political subdivision to provide services and facilities¹¹⁵;
- F. to appropriate, notwithstanding the provisions of this Charter to the contrary, necessary funds for the purpose of meeting a Public Emergency as set forth in §5-5.C of this Charter¹¹⁶; and,
- G. set the charges, if any, to be made for services by the Town or for the execution of powers vested in the Town as provided in this Charter¹¹⁷.
- H. establish a committee of finite duration, at least every five (5) years to review the Ordinances and Statutory Resolutions of the Town to ensure compliance with the General Statutes and this Charter and to make recommendations accordingly. Such committee shall include members of the public and Town Officials.

In addition to all other powers, for purposes set forth in the General Statutes relating to municipal sewerage systems and to the extent it wishes to exercise such powers, the Council is deemed the body having power to make annual appropriations for the Town¹¹⁸. Furthermore, the Council shall have the power and duties which, on the effective date of this Charter, were conferred by Law upon Boards, Commissions and Officials¹¹⁹ of said Town existing immediately prior to such date except as otherwise specifically provided in this Charter¹²⁰.

SECTION 4-6: COUNSEL TO COUNCIL¹²¹.

The Legislative Council may appoint and may remove by majority vote a Counsel, who shall be an attorney, admitted to practice law in this State and shall have been practicing for at least five (5) years. Such Counsel shall have such duties as the Council shall determine. Such Counsel shall receive compensation as fixed by the Legislative Council.

SECTION 4-7: ORDINANCES, STATUTORY RESOLUTIONS, RESOLUTIONS, ORDERS OR MOTIONS: THE ROLE OF THE LEGISLATIVE COUNCIL AND THE MAYOR¹²².

A. Transmittal of Legislative Actions to the Mayor. Except in the case of Resolutions, including those relating to the procedures of the Council, every proposed Ordinance, Statutory Resolution, Order or Motion shall be transmitted by the Clerk of the Council to the Mayor for action within five (5)

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

Days after passage by the Council¹²³. The provision of §§4-7 and 4-8 of this Charter shall not apply to the adoption of the Budget Ordinance¹²⁴. The procedures for the adoption of the Budget Ordinance is subject to the provisions of §§10-3 and 10-4 of this Charter¹²⁵.

B. Mayoral Action¹²⁶. The Mayor shall return to the Clerk of the Council such Ordinance, Statutory Resolution, Order or Motion within fifteen (15) Days after passage by the Council.

(1) Approval by the Mayor or Failure of the Mayor to Take Action¹²⁷. In the event the Mayor approves or fails to take action within such fifteen (15) Days, such Ordinance, Statutory Resolution, Order or Motion shall become effective and operational as set forth in this section. In the event the Mayor shall fail to take action upon such matters the Town Clerk shall endorse such fact upon the official copy of the matter.

(2) Veto by the Mayor¹²⁸. Every Ordinance, Statutory Resolution, Order or Motion vetoed by the Mayor shall be returned within the same fifteen (15) Days to the Clerk of the Council with a statement of the reasons for the veto.

C. Legislative Action Following Mayoral Veto¹²⁹. Following receipt of the Mayor's veto, any vetoed Ordinance, Statutory Resolution, Order or Motion again approved by an affirmative vote of at least two-thirds ($2/3^{\text{rds}}$) of the Council present and voting at a meeting, shall become effective in accordance with this section.

D. Effective Date.

(1) Ordinances and Statutory Resolutions. Every Ordinance or Statutory Resolution, unless it shall specify a later date, shall become effective on the twenty-first (21st) Day after Public Notice, of Final Action,¹³⁰ with the exception that an Ordinance stated to be a public emergency measure which shall be effective immediately, as set forth in §5-5.E (4) of this Charter¹³¹.

(2) Resolutions, Orders or Motions¹³². Every Resolution, Order or Motion, unless it shall specify a later date, shall become effective upon Final Action.

SECTION 4-8: PUBLIC NOTICE OF FINAL ACTION¹³³.

A. Public Notice of Final Action. Public Notice regarding Ordinances and Statutory Resolutions shall be provided within ten (10) Days after Final Action¹³⁴. Public Notice of Resolutions, Orders and Motions shall be provided within twenty-four (24) hours of Final Action¹³⁵.

B. Public Notice of public emergency Ordinances or measures shall be

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

addressed in §5-5.E of this Charter¹³⁶.

C. Every Ordinance and Statutory Resolution, after passage, shall be given a serial number and be officially recorded and preserved by the Town Clerk as a public record as may be set forth in the General Statutes¹³⁷.

SECTION 4-9: PETITION FOR OVERRULE.

A. All Ordinances and Statutory Resolutions of the Council, except fixing the tax rate and the enactment of emergency Ordinances, shall be subject to overrule¹³⁸.

(1) If within twenty (20) Days after Final Action, a petition signed by not less than fifteen (15%) percent of the Electors of the Town, as determined from the last official voting list, is filed with the Town Clerk requesting a referendum, the Council shall, at its next regular meeting, fix a time not more than thirty (30) Days after such meeting for such election, which shall be called and held in the manner provided by the General Statutes¹³⁹.

(2) Any Ordinance or Statutory Resolution so referred to the voters shall stand approved unless a majority of those voting thereon at such election shall have voted "no" and at least twenty-five percent (25%) of the Electors entitled to vote on the question shall have voted¹⁴⁰.

(3) The Council may by an affirmative vote of at least two-thirds ($2/3^{\text{rds}}$) of those present and voting add non binding referenda to be on the ballot of such election¹⁴¹.

B. This section shall not apply to the borrowing of funds. The borrowing of funds for any project shall be governed solely by the provisions of §10-9¹⁴² of this Charter. Moreover, this section shall not apply to the Budget. The overrule of the Budget shall be governed solely by the provisions of §10-5 of this Charter¹⁴³.

SECTION 4-10: SELECTION OF INDEPENDENT AUDITORS¹⁴⁴.

The Council shall designate annually a certified public accountant or firm of certified public accountants, as an independent auditor, to audit the books and accounts of the Town as provided in the General Statutes and in accordance with best practice standards as may be set forth and promulgated by the General Accounting Office ("GAO"), Governmental Accounting Standards Board ("GASB"), Finance Accounting Standard Board ("FASB"), the Government Finance Officers Association ("GFOA")¹⁴⁵, their successor or like-minded professional standard setting organizations addressing the financial standards for municipalities. The Council shall competitively select independent auditors and require the rotation of such auditors by requiring their replacement by another firm at the conclusion of the audit contract, which shall not exceed a maximum

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

period of five consecutive years.

SECTION 4-11: APPROVAL OF MAYORAL APPOINTMENTS¹⁴⁶.

All appointments made by the Mayor that require approval by the Legislative Council shall be deemed automatically approved if the Council takes no action within forty-five (45) Days of written notice to its Clerk of such an appointment.

SECTION 4-12: REGULATION OF MINIMUM REQUIREMENTS OF INTERLOCAL AGREEMENTS BY ORDINANCE¹⁴⁷.

A. **Scope of Authority.** The Mayor may propose and the Legislative Council may enact an Ordinance pertaining to the development and implementation of Interlocal Agreements by the Town. The purpose of any such Ordinance shall be to increase regional cooperation to meet the needs and promote the economic security of the Town. Said Ordinance shall specify in its criteria, at the minimum, provisions, which are substantially similar to those of the General Statutes dealing with such Agreement(s).

B. **Contents of Ordinance.** Such Ordinance shall specifically include provisions addressing the following:

(1) the maximum duration in years of any such Interlocal Agreement(s), which maximum term is to be explicitly less than the maximum duration as may be permitted by the provisions of the General Statutes;

(2) the specific minimum provisions relating to either termination and/or renewal of Interlocal Agreement(s) to be required of the Town in its development and implementation of such Agreement(s);

(3) the payment of consideration by the parties to such Interlocal Agreement(s), which require, at a minimum, that payment of consideration shall be a prorated share of the total cost of services, personnel, facilities, equipment and/or other property or resources furnished by the Town to the other participating parties to such Agreement(s), which total cost may be prorated on the basis of any reasonable formula agreed to by the parties, so long as the amount per unit billed to the other municipality is equal to or greater than the cost to the citizens of the Town; explicitly set forth in the text of the terms of any such Agreement(s); and,

(4) the procedures for the ratification and/or rejection of any Interlocal Agreement(s) submitted to the Legislative Council by any officer or employee of the Town responsible for its development in anticipation of the implementation of such Agreement(s).

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

C. General. Such Ordinance may include any other provisions deemed appropriate and desirable to the establishment of this local law of general applicability regarding the development and implementation of Interlocal Agreement(s).

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER V: THE MAYOR¹⁴⁸

SECTION 5-1: ELECTION AND QUALIFICATIONS.

At each general Town election, a Mayor shall be chosen by the Electors of the Town. Such Mayor shall be the chief executive officer of the Town and shall receive such compensation as shall be set by the Council. The Mayor shall devote full time to the duties of the office¹⁴⁹.

SECTION 5-2: DUTIES.

The Mayor shall:

A. be responsible for the administration of all Departments¹⁵⁰ and Officials,¹⁵¹ in charge of persons or Boards and Commissions¹⁵² appointed by the Mayor, and shall oversee and direct the same¹⁵³;

B. be an ex-officio, nonvoting member of all Town Boards and Commissions appointed by the Mayor, except the Board of Ethics or where such membership is inconsistent with the General Statutes or this Charter¹⁵⁴;

C. see that the provisions of all Laws, this Charter, the Ordinances and Statutory Resolutions governing the Town are faithfully executed; shall cause to be prepared and printed, within ninety (90) Days after the close of the fiscal year, an annual Town report; shall recommend to the Council such measures as may be deemed necessary or expedient; shall keep the Council fully advised as to the financial condition of the Town; shall prepare and submit to the Council an annual budget and shall exercise such other powers and duties as may be required by Ordinance, Statutory Resolution, Order or Motion of the Legislative Council consistent with the General Statutes and this Charter¹⁵⁵; and,

D. submit to the Council:

(1) a quarterly report on all contracts executed within the budget limits or other authority established by the Legislative Council¹⁵⁶.

(2) a request for approval by a Majority Vote of the Legislative Council, of any contracts:

(a) in excess of One Hundred Thousand (\$100,000.00) Dollars which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or regulations adopted hereunder. The Legislative Council is authorized to modify the threshold based upon the consumer price index or other like measure indexed for inflation or deflation.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

This provision shall not apply to emergency transactions, which are addressed in §5-5.C (3) of this Charter¹⁵⁷.

(b) which contain a term which will either fall in multiple fiscal years; or, shall continue for a period longer than twelve (12) months¹⁵⁸.

E. The Mayor or designee shall be responsible for the administration of the use and granting permission for the use of public grounds, buildings, equipment and facilities, including those utilized by the Board of Education. With regard to those utilized by the Board of Education, permitted use shall be administered in accordance with a policy established by the Mayor, following consultation with the Board of Education¹⁵⁹.

SECTION 5-3: APPOINTMENTS, TERMS OF OFFICE AND GENERAL POWERS.

A. The Mayor shall, except as otherwise provided in this Charter, appoint and may remove all Department Heads and other Mayoral appointees¹⁶⁰ of the Town as set forth in this Charter¹⁶¹. This provision shall not apply to Elected Officials who are Department Heads¹⁶².

B. Unless otherwise provided in this Charter, the terms of all such Department Heads or Mayoral appointees, established by Ordinance or by budget, shall terminate at the same time as the term of the Mayor; except such appointees may continue to serve until their successors are appointed and qualified¹⁶³.

C. The Mayor may, subject to the approval of the Council, perform the duties of any office under the Mayor's jurisdiction, except those of the Director of Finance in the performance of the duties and powers prescribed by Law to Town Treasurers, as provided in §8-4.A of this Charter¹⁶⁴.

D. As set forth in §8-1.B and C of this Charter, the Mayor shall have the power, subject to the approval of the Council, to provide for the creation of any Department, delegating to said Department any of the powers reserved to the Mayor under this chapter and to appoint a Department Head for such Department thereby created. The Mayor shall have the power to create for a new position, subject to the approval of the Legislative Council¹⁶⁵.

SECTION 5-4: APPOINTMENTS TO BOARDS OR COMMISSIONS¹⁶⁶

A. When a Vacancy occurs on any appointed Town Board¹⁶⁷ or Commission, the Mayor shall provide Public Notice that such position is Vacant, at least two (2) weeks prior to filling of the position¹⁶⁸. In addition to the requirement set forth in §7-1.L of this Charter, the Town Clerk shall publish or post, as the case may be, such notice (1) on the Town web-site; (2) in a conspicuous location available to the public in the office of such Town Clerk; and, (3) if practicable, in a newspaper of local availability to the residents of the

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

Town¹⁶⁹.

B. The Mayor shall invite the Electors of the Town who are interested in serving to apply by submitting resumes of their qualifications for membership on such Board or Commission to the Town Clerk¹⁷⁰.

C. The Town Clerk shall maintain and submit to the Mayor a list of all candidates for the position¹⁷¹.

D. The Mayor shall nominate an individual from this list and submit the nomination to the Legislative Council, which shall approve or disapprove the Mayor's selection¹⁷².

SECTION 5-5: EMERGENCY POWERS¹⁷³

A. **Declaration of a Public Emergency¹⁷⁴.** A public emergency pertaining to the Town may be declared by the (1) President of the United States; (2) Governor of the State of Connecticut¹⁷⁵; (3) Mayor; or, (4) upon the affirmative vote of two-thirds (2/3rds) of the Legislative Council present and voting; although there shall be, at least, nine (9) members voting in the affirmative. If practicable, the declaration of Public Emergency by the Mayor or the Council shall set the duration in the event it is expected to last for more than forty-five (45) Days.

(1) **Public Emergency.** A public emergency is any condition that exists or threatens to arise involving or threatening to damage or injure the lives, health or property¹⁷⁶ of the inhabitants of the Town or curtail Town services necessary to meet the requirements of the emergency.

(2) **Termination of Public Emergency.** The termination of the emergency shall be determined and declared by the Mayor or by the affirmative vote of two-thirds (2/3rds) of the Legislative Council present and voting; however, unless asserted in the declaration or otherwise extended, the Public Emergency shall terminate at 11:59:59 P.M. of the forty-fifth (45th) Day following the declaration.

B. **Authority of the Mayor¹⁷⁷.** The Mayor shall exercise within the limits of the Town all the emergency powers given to the chief executive officer of a municipality under the General Statutes. Upon declaration of a public emergency, the Mayor may mobilize, organize and direct the forces of the Town and call upon and cooperate with the federal government or the State or its political subdivisions.

C. **Appropriations and Expenditures for Emergencies**

(1) **Public Emergency Contingency¹⁷⁸.** The Legislative Council may, by Ordinance, establish a maximum amount of funding for public emergencies in a contingency fund within the Town Budget. The Mayor may obligate the Town in an amount not to exceed the maximum amount

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

("public emergency contingency") to meet or mitigate any declared public emergency. The Mayor shall report any action taken hereunder at the next meeting of the Legislative Council.

(2) Emergency Appropriations. Notwithstanding the provisions of §§10-7.D and E of this Charter, in the event that funds in addition to the public emergency contingency are required to meet or mitigate a declared public emergency, the Mayor shall determine the necessary amount and seek Legislative Council approval, at an Emergency Meeting, to authorize transfers.

(a) Notwithstanding any contrary provisions of this Charter, the Legislative Council may, if necessary, appropriate funds in addition to the public emergency contingency.

(b) The affirmative vote of at least two-thirds (2/3) of the members of the Legislative Council is required to authorize any such emergency appropriation¹⁷⁹.

(c) The Order of the Legislative Council approving any emergency appropriation shall specify the nature of the emergency and source of revenue. Unless the Mayor certifies that the emergency threatens the immediate public health or safety, the Legislative Council shall hold a public hearing on any proposed special or emergency appropriation.

(3) Emergency Expenditures. The Mayor may obligate the Town in an amount of money not to exceed One Hundred Thousand (\$100,000.00) Dollars from the public emergency contingency or, if not available from the contingency, from other unexpended funds identified by the Director of Finance, to cope with such public emergency until the Legislative Council convenes. The authority set forth in this provision shall not apply in the event the Legislative Council has not been provided with notice under §5-5.D of this Charter.

D. Emergency Meetings of the Legislative Council. In the event a Public Emergency is declared, the Mayor or President of the Legislative Council may call an emergency meeting of the Council upon three (3) hours notice and may summon Council members to attend such meeting in such manner as the Council may prescribe by Ordinance. Notwithstanding any provision of law or this Charter to the contrary, at such meeting, the Council may transact any item or items of business relevant to such emergency.

E. Public Emergency Ordinances and Measures¹⁸⁰. Upon the declaration of a Public Emergency, the Legislative Council may enact Public Emergency Ordinances and other measures in order to meet such emergency. Rules and procedures for the adoption of Public Emergency Ordinances and measures shall be governed by the provisions of a Public Emergency Procedural Ordinance which shall establish the terms of Final Action.

(1) Public Hearing and Notice Requirements¹⁸¹. No public

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

hearing or Meeting Notice shall be required for any Ordinance stated to be a Public Emergency Ordinance or measure, unless otherwise required by the General Statutes.

(2) **Procedural time-frame**¹⁸². The time-frame set forth in §§4-7 through 4-8 of this Charter shall not apply to the adoption of a Public Emergency Ordinance or measure; however, the procedural measures set forth in that provision shall be addressed in the Public Emergency Procedural Ordinance, if practicable.

(3) **Requirements**¹⁸³. An emergency Ordinance shall contain a specific statement of the emergency and shall require a Majority Vote of the Legislative Council.

(4) **Effective Date**¹⁸⁴. An emergency Ordinance shall become effective immediately upon final action as set forth in the Emergency Procedures Ordinance. However, Public Notice of such Public Emergency Ordinance shall take place promptly following final action¹⁸⁵.

(5) **Automatic Repeal of Public Emergency Ordinance or Measure**¹⁸⁶. Every such Public Emergency Ordinance or measure, including any amendments thereto, shall automatically stand repealed at the termination of the forty-fifth (45th) Day following Final Action of said Ordinance.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER VI: OTHER ELECTED OFFICIALS

SECTION 6-1: TOWN CLERK.

A. There shall be a Town Clerk as required by the General Statutes and as set forth in this Charter¹⁸⁷.

B. **Powers and Duties**¹⁸⁸. The Town Clerk shall have all the powers and duties¹⁸⁹ prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council.

(1) **Registrar of Vital Statistics**¹⁹⁰. The Town Clerk shall serve as Registrar of Vital Statistics, unless otherwise set forth by the General Statutes¹⁹¹.

(2) **Assistants and Employees**¹⁹². The Town Clerk shall appoint and may remove, subject to the provisions of the Merit System, all assistants¹⁹³ and employees of this office.

(3) **Compensation**¹⁹⁴. The Town Clerk's compensation and benefits shall be set by the Council.

(4) **Fees**¹⁹⁵. All fees collected by the Town Clerk shall be paid to the Town, except as otherwise provided by the General Statutes.

(5) **Certification**¹⁹⁶. For the purpose of meeting best practices and the highest professional standards, the Town Clerk shall, upon eligibility, participate in the certification program for town clerks, as set forth in the General Statutes.

SECTION 6-2: REGISTRARS OF VOTERS¹⁹⁷.

There shall be Registrars of Voters as required by the General Statutes and as set forth in this Charter¹⁹⁸.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

THIS PAGE INTENTIONALLY LEFT BLANK

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

CHAPTER VII: BOARDS AND COMMISSIONS

SECTION 7-1: GENERAL REQUIREMENTS FOR APPOINTED BOARDS AND COMMISSIONS¹⁹⁹.

A. Creation of Boards and Commissions: Number of Members, Terms. Limitation on Service²⁰⁰. In addition to those Boards and Commissions established by this Charter, the Legislative Council shall by Ordinance establish the Boards and Commissions of the Town. Unless this Charter or Special Acts provides otherwise, the Legislative Council shall set forth, by Ordinance:

(1) The number of Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes, the number shall always be odd and the term of office shall not exceed a term of five (5) years (unless otherwise required by the General Statutes), which may be staggered.

(2) Any such Ordinance shall make provision for (a) the appointment of a chair and a delineation of the responsibilities of the presiding officer; (b) the keeping of records and posting of agendas as required by the General Statutes; (c) minority party representation in accordance with §7-1.F of this Charter; (d) public participation (including, but not limited to, public speaking); and, (e) the frequency of meetings of all Boards and Commissions. The agendas of Boards and Commissions shall be approved by the Chair of such entity.

(3) A majority of the total membership of each such Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.

B. Appointment²⁰¹. Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Mayor as set forth in this Charter, subject to approval by the Legislative Council. All Board or Commission members shall serve until the completion of their respective terms or until their successors have been appointed and qualified.

C. Vacancy²⁰². Unless otherwise set forth in the General Statutes or in this Charter, in the event of a Vacancy on any Board or Commission, a successor shall be appointed by the Mayor, subject to approval by the Legislative Council, for the unexpired portion of the term, as set forth in this Charter.

D. Residency Requirement²⁰³. Except as otherwise provided by Ordinance, no person may serve on a Board or Commission unless such person is an Elector of the Town. If any such person who is a member of a Board or Commission shall move from the Town, such person's membership on such

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

Board or Commission shall be immediately terminated.

E. Dual Appointment Prohibited; Exceptions²⁰⁴. Except where otherwise provided by general or special law, no person may serve as an appointed member of more than one Board or Commission at the same time, with the exception of a Charter Revision Commission or other Boards or Commissions of finite duration. Members of the Legislative Council may only serve on a Board or Commission if assigned as a representative to such Board or Commission for the sole purpose of representing the Council.

F. Political Composition: Minority Party Representation²⁰⁵. The political affiliation of the members of appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation²⁰⁶.

G. Compensation Prohibited²⁰⁷. Except as otherwise set forth in this Charter or by Ordinance, no member of any appointed Board or Commission shall receive compensation for services as such member.

H. Removal²⁰⁸. Unless otherwise set forth in the General Statutes or this Charter, the Mayor may initiate proceedings to remove a member of any appointed Board, Commission, or relevant position or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set by Ordinance.

I. Term Limitations²⁰⁹. No person may be appointed to a new term on any Board or Commission if, at the time of the commencement of such new term, such person shall have served two consecutive full terms on such Board or Commission. Such person may be reappointed to such Board or Commission after a lapse of one year.

J. Restrictions Pertaining to Members of the Civil Service Commission and Ethics Commission. No person who has served in the previous three (3) years as a Public Official, other than a member of the Commissions set forth in this sub-section, or a political party officer, shall be appointed to membership on the Commission. For purposes of this section, the term "Public Official" means an individual who holds or has held a municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the Town and the term "political party officer" means an officer of a national committee of a political party, state central or town committee or any person employed by such committee for compensation.

K. Required Cooperation²¹⁰. Each Official²¹¹ and employee of any Department²¹², Board or Commission of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

this section. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational and management policies of the Department.

L. Publication of Boards and Commissions: Applicant Pool²¹³. In addition to the requirements of §5-4 of this Charter, during the month of November of each year, the Town Clerk shall cause to be (1) published on the Town web-site; (2) posted in a conspicuous location available to the public in the office of such Town Clerk; and, (3) if practicable, published in a newspaper of local availability to the residents of the Town, a list of all the Boards and Commissions of the Town, for the purpose of creating an applicant pool. Any Elector desirous of serving on any Board or Commission may express such desire in writing addressed to such Town Clerk who shall forward such correspondence to the Mayor or other such appointing authority and retain such correspondence on file for two (2) years. The appointing authority of any member of any Board or Commission shall review such notices prior to making the appointment to such Board.

SECTION 7-2: BOARDS AND COMMISSIONS ESTABLISHED BY THE CHARTER²¹⁴.

A. Civil Service Commission²¹⁵.

(1) **Establishment²¹⁶.** There shall be a Civil Service Commission which shall have the authority to exercise the powers and duties contained in the General Statutes, this Charter and Ordinances pertaining to the administration and operation of the Merit System and the civil service and human resources policies of the Town.

(2) **Appointment and Membership²¹⁷.** The Commission shall consist of three (3) Electors of the Town appointed as set forth in §7-1(B) of this Charter. The Commission shall choose a chair and such other officers as it may desire²¹⁸.

(a) **Executive Secretary²¹⁹.** The Department Head of the Town agency responsible for personnel and human resources shall serve as the Executive Secretary of the Commission. The Executive Secretary shall be an ex officio, non-voting member of the Commission.

(b) **Term²²⁰.** The Mayor shall appoint members for a term of six (6) years, commencing on the 1st Day of September of the year of appointment. The terms shall be staggered, as required by the General Statutes and as established at the date of the original appointments.

(c) **Oath of Office²²¹.** Said Commission members shall

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

take the oath prescribed by the General Statutes.

(d) **Minority Party Representation**²²². Said Commission members shall be subject to the requirements of the General Statutes pertaining to civil service boards.

(e) **Restrictions**²²³. Said Commission members shall be subject to the restrictions set forth in the General Statutes and this Charter.

(f) **Removal**²²⁴. Notwithstanding the provisions of this Charter, the Mayor may remove a member of said Commission in the manner set forth in the General Statutes; and, upon removal shall fill the unexpired term of the member in accordance with the provisions of §7-1.B of this Charter.

(3) **Merit System Ordinance**²²⁵. Said rules of the Civil Service Commission shall be set forth in the form of an Ordinance to be approved by the Legislative Council, upon the advice of the Mayor (following consultation with the Department Head responsible for personnel and human resources and the Civil Service Commission), as set forth in this Charter. No Ordinance shall be adopted which circumvents or otherwise violates the requirements of this Charter pertaining to a Merit System and civil service rules and regulations for the hiring and promotion of public employees.

B. Board of Ethics²²⁶.

(1) **Establishment**²²⁷. There shall be a Board of Ethics²²⁸ which shall have the authority to exercise the powers and duties contained in the General Statutes, this Charter and Ordinances pertaining to conflict of interest and ethics, administration of a code of ethics, including the issuance of advisory opinions and policies²²⁹, and to investigate²³⁰, render probable cause findings²³¹ and conduct hearings²³² pertaining to allegations of unethical conduct, corrupting influence or illegal activities levied against any Official or employee of the Town²³³. In addition to the aforementioned powers and duties, the Board shall have such other duties and powers as may be provided by any Code of Ethics Ordinance or other Ordinances²³⁴.

(a) **Subpoena Authority**²³⁵. In a manner consistent with the provisions of the General Statutes, the Board may issue subpoenas or subpoenas *duces tecum*, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

(2) **Appointment and Membership**. The Board shall consist of

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

five (5) members and two (2) alternates, all Electors of the Town, appointed as set forth in §7-1.B of this Charter²³⁶. The Board shall choose a chair and such other officers as it may desire²³⁷.

(a) **Term of Members**²³⁸. The Mayor annually shall appoint a member(s) for a term of five (5) years, commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-11 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

(b) **Term of Alternate Members**²³⁹. The Mayor shall appoint alternates for a term of two (2) years, on the 1st Day of January of the year of appointment (*Historical Note: See, §11-12 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

(c) **Assignment of Alternate Members**²⁴⁰. If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act.

(d) **Minority Party Representation**²⁴¹. Said Board members shall be subject to the requirements of §7-1.F of this Charter.

(e) **Restrictions**²⁴². The Board members shall not be Officials or employees of the Town. They shall hold no other appointed office in the Town except Justice of the Peace or Notary Public.

(f) **Interference**²⁴³. The activities, votes and rulings of the Board shall not be subject to oversight or reversal by any Town Official or body.

(3) **Oversight of the Ethics and Conflict of Interest Policies of the Town**²⁴⁴. The Board of Ethics shall oversee and regulate the ethics and conflict of interest policies of the Town.

(4) **Code of Ethics Ordinance**²⁴⁵. Said rules and regulations of the Board of Ethics shall be set forth in the form of an Ordinance to be approved by the Legislative Council, upon the advice of the Mayor and the Board of Ethics, as set forth in this Charter. No Ordinance shall be adopted which circumvents or otherwise violates the requirements of this Charter pertaining to the requirements of the General Statutes pertaining to the requirements of probable cause findings²⁴⁶, confidentiality of complaints²⁴⁷, investigations²⁴⁸, the conduct of hearings²⁴⁹, informing the complainant and respondent of findings²⁵⁰, continuing confidentiality in

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

the event of a finding of no probable cause²⁵¹, and public disclosure of a finding of probable cause²⁵². Moreover, no Ordinance shall be adopted which does not contain a provision pertaining to the expeditious review of complaints and the issuance of determinations or other actions by the Board of Ethics²⁵³. Upon request of the Legislative Council or the Board of Ethics, prior to legislative action, the Town Attorney shall render an opinion pertaining to the compliance of the provisions of a proposed ethics Ordinance or any amendment thereto with the requirements of this Charter and the General Statutes and laws of the State²⁵⁴.

(5) Finding of a Violation²⁵⁵. A violation of the provisions of this Charter and/or any such Code of Ethics or other related Ordinance shall be referred:

(a) to the Legislative Council in the case of any Elected Official²⁵⁶;

(b) to the appointing authority in the case of any Appointed Public Official²⁵⁷; and,

(c) to the person's supervisor in the case of any employee for appropriate disciplinary action to be taken within thirty (30) Days of receipt of the Board's finding(s) and decision.

Such finding(s) and decision would subject the parties to the provisions of §§3-9.B (3) and 3-10 of this Charter, which may include removal from office. The findings pertaining to violations of this Charter shall cite the opinions of the Town Attorney pertaining to the application of any of the provisions of this Charter, if any. In the event there is no such opinion and an interpretation of a provision of the Charter is required to facilitate such finding, the Board shall consult with the Town Attorney or, in the event of recusal by the Town Attorney, an independent counsel appointed for such purpose.

(6) Appeal²⁵⁸. Any Public Official²⁵⁹ or employee may, within thirty (30) Days from the date any disciplinary action is voted or taken pursuant to the Board's decision that a violation of this Charter and/or any such Code of Ethics has occurred, take such appeal as may be permitted by the General Statutes, if any. In the event there is no such appeal permitted by the General Statutes, the findings shall be final.

C. Police Commission²⁶⁰.

(1) Establishment²⁶¹. There shall be a Police Commission which shall have the authority to exercise the powers and duties contained in this Charter and Ordinances pertaining to the oversight of the general management and supervision of the Police Department of the Town and the equipment used by the members of the Department²⁶². In

CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983

this regard, the Commission shall promulgate such regulations in accordance with law and may prescribe suitable penalties for the violation of any regulations including the suspension and removal from office of any officer or member of the Department²⁶³.

(2) Appointment and Membership²⁶⁴. The Commission shall consist of five (5) Electors of the Town appointed as set forth in §7-1(B) of this Charter. The Commission shall choose a chair and such other officers as it may desire²⁶⁵.

(a) Term²⁶⁶. Following the municipal election of 2013 and quadrennially thereafter, the Mayor shall appoint members for a term of four (4) years, for a term commencing on the 1st Day of January of the year of appointment.

(b) Minority Party Representation²⁶⁷. Said Commission members shall be subject to the requirements of §7-1.F of this Charter.

(3) Functions of the Commission. For the purposes of meeting the requirements of the General Statutes, this Charter and any applicable Ordinances, the Commission shall²⁶⁸:

(a) confer with and advise the Mayor and the Chief of Police with respect to the affairs of the Police Department²⁶⁹;

(b) review and comment on the budget request of the Police Department prior to its submission to the Mayor²⁷⁰;

(c) have the sole power to appoint, promote and remove all personnel including officers and members of the Police Department under such regulations as it adopts for that purpose²⁷¹.

(i) Said power to appoint and promote personnel shall be exercised, by majority vote, from the top three (3) candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations²⁷².

(ii) Said power to remove shall be in accordance with the provisions of this Charter and law²⁷³.

(iii) With regard to the power to appoint, promote and remove officers and members of the Department, the Chief of Police shall provide a recommendation to the Commission²⁷⁴; and,

(d) have such other powers as may be set forth by Law and agreement²⁷⁵.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

(4) Complaints. The appointed officers and members of the Department shall hold office during good behavior and until removed for cause upon written charges and after hearing²⁷⁶. The Commission shall meet and hear, upon written request, the complaint of:

(a) any member of the Police Department by reason of the acts or conduct of any officer²⁷⁷.

(b) any citizen of the Town by reason of any alleged misconduct or malfeasance of any member of the Police Department²⁷⁸.

As a party to any proceeding or hearing, any member of the Police Department may be represented by counsel²⁷⁹. Said Commission shall make such recommendations as it deems reasonable to adjust a complaint heard by it but shall not commit the Town for the payment of money damages and may not affect the rights of any person under the Merit System²⁸⁰.

D. Fire Commission²⁸¹.

(1) Establishment²⁸². There shall be a Fire Commission which shall have the authority to exercise the powers and duties contained in this Charter and Ordinances pertaining to the general management and supervision of the Fire Department of the Town. In this regard, the Commission shall promulgate such policies in accordance with law.

(2) Appointment and Membership²⁸³. The Commission shall consist of five (5) Electors of the Town appointed as set forth in §7-1(B) of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term²⁸⁴.** Following the municipal election of 2013 and quadrennially thereafter, the Mayor shall appoint members for a term of four (4) years for a term commencing on the 1st Day of January of the year of appointment.

(b) **Minority Party Representation²⁸⁵.** Said Commission members shall be subject to the requirements of §7-1.F of this Charter.

(3) Duties and Responsibilities. For the purposes of meeting the requirements of the General Statutes, this Charter and any applicable Ordinances, the Commission shall:

(a) confer with and advise the Mayor and the Fire Chief with respect to the affairs of the Fire Department²⁸⁶;

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

(b) review and comment on the budget request for the Fire Department prior to its submission to the Mayor²⁸⁷.

(c) have the sole power to appoint, promote and remove all personnel including sworn personnel under such regulations as it adopts for that purpose.

(i) Said power to appoint and promote personnel shall be exercised, by majority vote, from the top three (3) candidates on any applicable Merit System eligibility list, promulgated under civil service rules and regulations²⁸⁸;

(ii) Said power to remove shall be in accordance with the provisions of this Charter and law²⁸⁹.

(iii) With regard to the power to appoint, promote and remove personnel, the Fire Chief shall provide a recommendation to said Commission²⁹⁰.

(d) The Fire Commission shall appoint Fire Marshal(s) and Deputy Fire Marshal(s) as set forth in the General Statutes²⁹¹.

(4) Complaints.

(a) The Commission shall meet and hear, upon written request, the complaint of any member of the Fire Department by reason of the acts or conduct of any officer²⁹².

(b) The Commission shall meet and hear, upon written request, the complaint of any citizen of the Town by reason of any alleged misconduct or malfeasance of any member of the Fire Department²⁹³.

(c) Any member of the Department may be represented by counsel at any proceeding or hearing to which he is a party²⁹⁴.

(d) Said Commission shall make such recommendations as it deems reasonable to adjust a complaint heard by it but shall not commit the Town for the payment of money damages and may not affect the rights of any person under the Merit System²⁹⁵.

E. Zoning Board of Appeals.

(1) **Establishment**²⁹⁶. There shall be a Zoning Board of Appeals to exercise the following powers and duties as more explicitly set forth in the General Statutes:

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

- (a) To hear and decide zoning appeals²⁹⁷;
- (b) To hear and decide all matters including special exceptions and special exemptions as may be permitted by law²⁹⁸; and,
- (c) To determine and vary the application of the zoning bylaws, Ordinances or regulations in cases of exceptional difficulty or unusual hardship²⁹⁹.

The ability to hear cases shall be limited as set forth in the General Statutes³⁰⁰. The validity and effect of variances shall be governed by the General Statutes³⁰¹. The provision of this §7-1E of this Charter shall be confirmed in the form of an Ordinance³⁰².

(2) Appointment and Membership³⁰³. The Board (comprised of five (5) regular members and three (3) members of a "Panel of Alternates") shall consist of eight (8) Electors of the Town³⁰⁴ appointed as set forth in §7-1(B) of this Charter³⁰⁵. The Commission shall choose a chair and such other officers as it may desire³⁰⁶. The Board shall follow the requirements of the General Statutes pertaining to the call of public meetings, the administration of oaths, compelling of attendance of witnesses, preparation of meeting minutes and the filing of rules, regulations and requirements (and the amendment or repeal thereof) and decisions as public records³⁰⁷.

(a) Term. The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

(b) Term of the Panel of Alternates. The Mayor shall appoint members to the Panel of Alternates for a term of five (5) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

(c) Assignment of the Panel of Alternates³⁰⁸. Members of the Panel of Alternates shall be designated to act in the place of a member as set forth in the General Statutes.

(d) Minority Party Representation³⁰⁹. The regular members and Panel of Alternates shall each be subject to the requirements of §7-1.F of this Charter.

(e) Restrictions³¹⁰. The regular members and Panel of Alternates shall not be members of the body acting as the Zoning Commission.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

(f) **Vacancy**³¹¹. Notwithstanding the provisions of §7-1.C of this Charter, any Vacancy in the regular members of the Board or Panel of Alternates, shall be filled for the unexpired portion of the term by the Mayor.

F. Planning and Zoning Commission.

(1) **Establishment**³¹². There shall be a Planning and Zoning Commission to exercise the powers and duties as set forth in the General Statutes³¹³. The provision of §7-1F of this Charter shall be confirmed in the form of an Ordinance or action by the Legislative Council in accordance with the provisions of the General Statutes³¹⁴.

(2) **Appointment and Membership**³¹⁵. The Commission shall consist of nine (9) regular members and three (3) alternate members³¹⁶, all Electors of the Town appointed as set forth in §7-1.B of this Charter³¹⁷. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term**³¹⁸. The Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-13 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983.*).

(b) **Term of the Alternate Members**³¹⁹. The Mayor shall appoint alternate members for a term of three (3) years, on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-14 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983.*).

(c) **Assignment of Alternate Members**³²⁰. When a regular member of the Planning and Zoning Commission is absent, the Chairman of the Commission shall designate an alternate, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(d) **Minority Party Representation**³²¹. The two groups comprised of regular and alternate members shall each be subject to the requirements of §7-1.F of this Charter.

**CHARTER
TOWN OF HAMDEN
Last Revised - 8 November 1983**

(3) **Division of Commission**³²². The Commission may be divided into a zoning section and a planning section, each to consist of four (4) members and the chairman. Each section shall be subject to the provisions of §7-1.F (2)(d) of this Charter. The Chair shall preside over both sections.

G. Building Board of Appeals.

(1) **Establishment**³²³. As required by the General Statutes, there shall be a Building Board of Appeals to exercise the powers and duties as set forth in the General Statutes and the Basic Building Code of the State³²⁴.

(2) **Appointment and Membership**³²⁵. The Commission shall consist of five (5) regular members³²⁶, all Electors of the Town, unless otherwise required by the General Statutes³²⁷, appointed as set forth in §7-1.B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term**. The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1st Day of January of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

(b) **Minority Party Representation**³²⁸. Said Commission members shall be subject to the requirements of §7-1.F of this Charter.

H. Personnel Appeals Board³²⁹.

(1) **Establishment**³³⁰. There shall be a Personnel Appeals Board for the purpose of hearing and determining any grievance, as shall be defined by Ordinance, of any employee or group of employees who are members of the classified service³³¹. The Board shall adopt rules of procedures which shall insure any aggrieved employee a prompt and fair hearing and an opportunity to be heard in person or by the employee's chosen representative³³². The provision of §7-1.H of this Charter shall be confirmed in the form of an Ordinance or action by the Legislative Council in accordance with the provisions of the General Statutes³³³.

(2) **Appointment and Membership**³³⁴. The Board shall consist of five (5) Electors of the Town holding no salaried municipal office³³⁵, appointed as set forth in §7-1.B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term**. The Mayor shall appoint regular members for a term of three (3) years, for a term commencing on the 1st Day of February of the year of appointment³³⁶, which terms shall be