

1983 HAMDEN CHARTER

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CHARTER

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 11-8-83

CHAPTER I: INCORPORATION AND
GENERAL POWERS

SECTION 1-1: INCORPORATION.

All the inhabitants dwelling within the territorial limits of the Town of Hamden, as heretofore constituted shall continue to be a body politic and corporate under the name of "The Town of Hamden," hereinafter called "Town" and as such 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 general laws of the State of Connecticut.

SECTION 1-2: RIGHTS AND OBLIGATIONS.

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 con-tinued in said Town and said Town shall continue to be liable for all debts of every kind for which said Town shall be

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liable on said date, whether accrued or not. Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt or lien. 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 officer 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 officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said Town.

SECTION 1-3: GENERAL GRANT OF POWERS.

In addition to all powers granted to towns under the Constitution and General Statutes, or which may hereinafter be conferred, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by special acts of the General Assembly, not inconsistent with this Charter, and all other powers incident 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 of Connecticut or any political

subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. 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.

CHAPTER II: OFFICERS AND
ELECTIONS

SECTION 2-1: STATE AND FEDERAL OFFICERS.

Nominations and elections of state and federal officers, state senators and representatives, judge of probate, and two general registrars of voters shall be conducted as prescribed by statute. The registrars of voters shall prepare lists of electors qualified to vote therefore, in the manner prescribed by the Constitution and the general and special laws of this state applicable to the Town of Hamden.

SECTION 2-2: TOWN ELECTIONS.

A general town election shall be held on the first Tuesday after the first Monday in November, 1983, and biennially thereafter. At such election there shall be elected a Mayor, Town Clerk, Legislative Council and members of the Board of Education as hereinafter provided. Those persons declared elected at the general election held on the first Tuesday after the first Monday of November, 1983, shall serve until twelve noon on the last Sunday of November, 1985, or until their succes-

sors shall have been chosen and qualified. Thereafter, the Mayor and Town Clerk shall be elected for a term of two years and biennially thereafter; six members of the Council shall be elected at large for a term of two (2) years and biennially thereafter; one member of the Council shall be elected from each voting district in existence, for a term of two (2) years and biennially thereafter from such election districts as then exist. The names of all candidates duly nominated shall be arranged on the voting machines in alphabetical order of their surnames within the party line after the title of the office to be filled, except that all at large candidates for the Legislative Council shall be listed before district candidates. The number of persons sufficient to fill the offices to be filled shall be elected. The terms of all officers declared elected at the general election to be held on the first Tuesday after the first Monday of November, 1983, and biennially thereafter, shall commence at twelve noon on the last Sunday of November following their election. All elective officers shall hold office until their successors have been chosen and qualified.

SECTION 2-3: ELIGIBILITY.

No person shall be eligible for nomination or election to any town office who is not a resident elector of the Town, and, in the case of a district councilperson, a resident of that particular district, and any person ceasing to be a resident, where such residence is required for eligibility,

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shall thereupon cease to hold elective office in the Town or district.

SECTION 2-4: VACANCIES.

Any vacancy in any elective Town office, except the Board of Education, from whatever cause arising, except as hereinafter provided, shall be filled by election by the Council for the unexpired portion of the term. All vacancies filled by election of the Council shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office. 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 Education.

All 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 office.

SECTION 2-5: VOTING DISTRICTS.

In 1984 and every ten (10) years thereafter, a Commission consisting of two (2) general registrars of voters and three (3) electors appointed by the Council, no more than two (2) of which electors shall be from the same political party, shall on or before October 1 of said year, submit to the Council a proposed ordinance, which has been approved by four (4) of the five (5) members of such Commission redividing the Town and designating suitable polling places within each voting district so that each voting district shall contain as nearly as possible an equal number of voters. Said proposed ordinance shall

become effective for the next Municipal general election in accordance with the provisions of the Charter when approved by an affirmative vote of at least two-thirds (2/3) of the Council present and voting at a meeting where the members of the Council have been given prior notice that this matter will be considered.

If the Council fails to enact a plan of districting by the first day of December of said year, the Mayor shall forthwith appoint a Commission consisting of the nine (9) members designated by the Council majority leader, the minority leader of the Council, and the Mayor, each of whom shall designate three (3) members of the Commission, 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 (2) political parties in the Council, all members of the Council belonging to the parties other than that of the majority leader shall select one of their number, who shall designate three (3) members of the Commission in lieu of the designation by the minority leader of the Council.

The Commission shall proceed to consider the alteration of districts in accordance with the principles recited in this section and it shall submit a plan of districting to the Clerk of the Council by the first (1st) day of February next succeeding the appointment of its members. No plan shall be submitted to the Clerk of the Council unless it is certified by at least seven (7) members of the Commission. Upon receiving such plan the Clerk shall publish the same

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forthwith, and upon publication, such plan of districting shall have the full force of law, and shall become effective for the next Municipal general election.

If by the first (1st) day of the February next succeeding the appointment of its members the Commission fails to submit a plan of redistricting, a board of three (3) persons shall be empanelled. The majority leader of the Council and the minority leader of the Council shall each designate as one (1) member of the board an active or retired judge of the Superior Court of the State 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 (2) political parties in the Council, all members belonging to the parties other than that of the majority leader of the Council shall select one (1) of their number, who shall then designate, as one (1) member of the board, an active or retired judge of the Superior Court of the State in lieu of the designation by the minority member of the Council. The two (2) members of the board so designated shall select an elector of the Town as the third (3rd) member.

The board shall proceed to consider the alteration of districts in accordance with the principles recited in this section and shall, by the first (1st) day of April next succeeding its selection, submit a plan of districting to the Clerk of the Council, and, upon publication, such plan of districting shall have the full force of law and become effective for the next Municipal general election.

SECTION 2-6: TOWN CLERK.

The Town Clerk shall have all the powers and duties prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council. The Town Clerk shall appoint and may remove, subject to the merit provisions of this Charter, all assistants and employees of this office. The Town Clerk's compensation and benefits shall be set by the Council and all fees collected by the Town Clerk shall be paid to the Town, except as otherwise provided by State law.

CHAPTER III: LEGISLATIVE
COUNCIL

SECTION 3-1: COMPOSITION.

There shall be a Legislative Council, consisting of one (1) member elected from each voting district and six (6) members elected at large, hereinafter referred to as the Council. The electors shall vote for no more than four (4) of the at-large candidates for the Council. Each political party shall nominate four (4) candidates for the members at large, and those six (6) candidates receiving the highest number of votes shall be elected. Unless otherwise specified by State or Federal Law, no members of the Council shall hold any elective or salaried office or position with the State of Connecticut or the Town of Hamden, except those of notary public and justice of the peace.

SECTION 3-2: PRESIDING OFFICER.

The members of the Council shall meet
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on the first Monday after the commencement of their terms of office as provided in Section 2-2, and shall choose one of its members to be President of the Council. 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 question. During the President's absence or disability, the President's duties shall be performed by a member chosen by the Council.

SECTION 3-3:PROCEDURE.

At the first meeting of the Council following the Town election the Council shall fix the time and place of its regular meetings and shall provide a method for the calling of special meetings. It shall determine its own rules of procedure and may appoint such committees as it deems necessary. All meetings of the Council shall be open to the public, except as otherwise permitted by State law. A majority of the total membership of the Council shall constitute a quorum for the transaction of all business.

SECTION 3-4: CLERK OF THE COUNCIL.

There shall be a Clerk of the Council appointed 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 votes. All records so kept shall be authenticated by the signature of

such Clerk of the Council or the President of the Council or both. 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 determine.

SECTION 3-5:GENERAL POWERS.

The legislative power of the Town shall be vested exclusively in the Council. The Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the State, creating or abolishing boards, commissions, departments, offices and positions and 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 regulating the conduct of all officials and employees of said Town. The Council shall have the powers and duties which, on the effective date of this Charter, were conferred by law upon boards, officers, and commissions of said Town existing immediately prior to such date except as otherwise specifically provided in this Charter. The Council shall have the power to increase or decrease the budget or any item thereof. The Council may by ordinance or resolution contract for services. The Council may by ordinance or resolution contract for the use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof or may, by agreement, join with any other such political subdivision to provide services and facilities. The

Council may 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 Chapter I of this Charter.

In addition to all other powers, for purposes of Chapter 103 of the General Statutes relating to municipal sewerage systems, the Council is declared to be the body having power to make annual appropriations for the municipality.

SECTION 3-6: COUNSEL TO COUNCIL.

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 3-7: PUBLIC HEARING ON ORDINANCES.

At least one public hearing, notice of which shall be given by at least five (5) days in advance by publication in a newspaper having a circulation in said Town, shall be held by the Council or any committee thereof before any ordinance shall be passed except any ordinance relating to the procedures of the Council. No public hearing or notice of public hearing shall be required for any ordinance stated to be a public emergency measure.

SECTION 3-8: APPROVAL, VETO AND VETO
OVERRIDE OF ORDINANCES AND RESOLUTIONS.

Except in the case of resolutions relating to the procedures of the Council, every proposed ordinance or resolution shall be presented to the Mayor for approval, veto, or acceptance within five (5) days after adoption by the Council. Within fifteen (15) days after adoption by the Council the Mayor shall approve, veto or accept the proposed ordinance, or resolution. Every ordinance and resolution approved by the Mayor and those accepted by the Mayor's not acting to approve or veto such ordinance or resolution within 15 days shall become effective in accordance with this section. Every ordinance and resolution 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. Following receipt of the Mayor's veto, any vetoed ordinance or resolution again approved by an affirmative vote of at least two-thirds (2/3) of the Council present and voting at a meeting shall become effective in accordance with this section. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21) day after publication, with the exception that an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately.

SECTION 3-9: PUBLICATION OF ORDINANCES.

Within ten days after final passage, all ordinances shall be published once in
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their entirety in a newspaper having circulation within the Town. Every ordinance, unless it shall specify a later date or unless otherwise specified in this Charter, shall become effective on the twenty-first day after such publication. An Ordinance stated to be a public emergency measure by the Mayor or the Council and stating the facts constituting such public emergency shall become effective immediately after passage, but shall thereafter be published in accordance with this section as soon as possible. Every such public emergency measure ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61st) day following final passage of said ordinance. Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for that purpose which shall be properly indexed.

SECTION 3-10: PETITION FOR OVERRULE.

All ordinances and resolutions of the Council, except fixing the tax rate, shall be subject to overrule. If within twenty (20) days after the approval of an ordinance or resolution by the Mayor, or passage by his failure to act, or passage by the Council after the Mayor's disapproval, as provided in Section 3-8, a petition signed by not less than twenty per cent (20%) of the qualified 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

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days after such meeting for such election, which shall be called and held in the manner provided by the General Statutes. Any ordinance or 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 voted. The Council may by an affirmative vote of at least two-thirds (2/3) of those present and voting add non binding referenda to be on the ballot of such election.

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 Section 3-11.

This section shall not apply to the Budget. The overrule of the Budget shall be governed solely by the provisions of Section 18-5.

SECTION 3-11: REFERENDUM ON BORROWING OF FUNDS.

Borrowing for any reason that will cause the debt service of the Town to exceed ten per cent (10%) of the current fiscal year's budget shall be submitted to binding referendum. The referendum shall take place at the next general election or at a special election called for and held in the manner provided by the General Statutes. Approval of the borrowing by the Council shall take place not less than sixty (60) days prior to such election. Any project that would cause the debt service of the Town to exceed ten per cent (10%) of the current fiscal year's budget

shall not be allowed to proceed past the design stage, and borrowing of funds shall not be allowed to proceed unless a majority of those voting thereof at such election shall have voted in favor thereof.

SECTION 3-12: SELECTION OF INDEPENDENT AUDITORS.

The Council shall designate annually a certified public accountant or firm of certified public accountants to audit the books and accounts of the Town as provided in the General Statutes.

SECTION 3-13: APPROVAL OF MAYORAL APPOINTMENTS.

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

SECTION 3-14: REMOVAL OF ELECTED OFFICIALS.

Any elected official may be removed from office for cause which shall include, but not be limited to, conviction of a felony, conviction of a lesser crime involving fraudulent or dishonest conduct, finding by the Board of Ethics of a violation of the provisions of Section 19-3 of this Charter or a violation of any municipal Code of Ethics or neglect of official duty. Proceedings for removal shall require notice of cause and a hearing thereon, which notice shall be written and mailed to or served on the

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official by the Council at least fifteen (15) days prior to the hearing. The power to remove shall be by an affirmative vote of at least two-thirds (2/3) of the Council present and voting in the case of elected officials or officials appointed by the Council. Any official so charged shall have the right to be represented by legal counsel, to examine and cross-examine witnesses and to present evidence on his or her own behalf. Such hearing shall be open to the public and transcribed, except as otherwise permitted by State law.

Any such official may, within thirty (30) days from the date when the decision to remove is taken following such hearing, take an appeal of such action to the Superior Court.

CHAPTER IV: APPOINTED OFFICES

- COUNCIL

SECTION 4-1: BOARD OF TAX REVIEW.

The Council shall at a meeting to be held not later than January 31, 1966 appoint a board of tax review consisting of three (3) members, no more than two (2) of whom shall be from any one political party, who shall take office on February 1, 1966. Initially one (1) shall be appointed for a term of three (3) years, one (1) for a term of two (2) years and one (1) for a term of one (1) year. Annually thereafter, during the month of January, the Council shall appoint one (1) member for a term of three (3) years to succeed the member whose term expires. The Council shall set the compensation for members of the board of tax review and no

person holding an elective, appointive or salaried office or position in the Town shall be eligible to serve. Said board shall have all powers and duties conferred or imposed by the General Statutes on boards of tax review.

CHAPTER V: THE MAYOR

SECTION 5-1: ELECTION AND QUALIFICATIONS.

At each general Town election a Mayor shall be chosen by the voters 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.

He shall devote full time to the duties of his office.

SECTION 5-2: DUTIES.

The Mayor shall be responsible for the administration of all departments, agencies and officers in charge of persons or boards appointed by the Mayor, and shall supervise and direct the same. The Mayor shall 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 Charter. The Mayor shall see that all laws and ordinances governing the Town are faithfully executed; shall cause to be prepared and printed, within ninety 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 or resolution of the Council not inconsistent with this Charter. The Mayor shall submit to the Council his recommendation for any negotiated contract for services with a value over fifty thousand dollars (\$50,000) at least sixty (60) days prior to the effective date of the proposed contract except in the case of an emergency.

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

The Mayor shall, except as otherwise provided in this Charter, appoint and may remove all department heads and other officers and employees of the Town and such other officers and employees of this Town as an ordinance of the Council consistent with this Charter may provide. Unless otherwise provided, the terms of all such appointees 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 qualified. 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 Section 15-2, provided in case the Director of Finance is absent or unable to act, the Mayor may countersign checks. The Mayor shall have the power, subject to the approval of the Council, to provide for the creation of any new position or

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.

SECTION 5-4: VACANCY IN OFFICE OF MAYOR.

If the Mayor, due to death, incapacity or otherwise is unable to complete the current term of office, the Council shall promptly elect one of its members of the same political party as the Mayor to succeed the Mayor for the term of office for which the Mayor was elected. In the event of a temporary disability or absence of the Mayor, the President of the Council shall serve as Mayor at a rate of compensation to be determined by the Council.

SECTION 5-5: APPOINTMENTS TO BOARDS OR COMMISSIONS.

When a vacancy occurs on any appointive Town Board or Commission, the Mayor shall announce such position is vacant in the public media at least two (2) weeks prior to filling of the position. The Mayor shall invite Hamden residents who are interested in serving to apply by submitting resumes of their qualifications for membership on such board or commission to the Town Clerk. The Town Clerk shall maintain and submit to the Mayor a list of all candidates for the position. 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 selection.

CHAPTER VI: LEGAL DEPARTMENT

SECTION 6-1: TOWN ATTORNEY.

The Town Attorney shall be appointed by the Mayor subject to the approval of the Council and may be removed by the Mayor. The Town Attorney shall be an attorney admitted to practice law in this State and who shall have been practicing for at least five (5) years. The Town Attorney shall have the power to employ bond counsel and such other assistant Town Attorneys, and any special assistants required, all of whom shall be attorneys admitted to practice law in this state, and who shall be responsible to the Town Attorney. The Mayor shall, subject to the approval of the Council, set the rates of compensation to be received by the Town Attorney and assistants. The Town Attorney shall be the legal advisor of the Mayor, and all other departments, officers, boards, commissions or agencies of the Town, in all matters affecting the interests of the Town, and shall, upon written request of the Mayor or the Council furnish them with written opinions on any questions of law with respect to any Town matter. He shall appear for and protect the rights of the Town in all actions, suits or proceeding brought by or against it or any of its departments, officers, boards, commissions or agencies. He shall have the power, with the approval of the Mayor and subject to such rules and limitations as the Council may from time to time adopt, to appeal from orders, decisions or judgments in such cases and to compromise and settle any claims by or against the Town subject to approval of

the Mayor. The Town Attorney shall prepare or approve the form of all contracts or other instruments to which the Town is a party or in which it has an interest, and shall prepare all codifications of ordinances as may be required by the General Statutes or the Council.

CHAPTER VII: DEPARTMENT OF PUBLIC WORKS

SECTION 7-1: POWERS.

The Department of Public Works shall, except as otherwise provided by the Council, have supervision and control of the planning, surveying, constructing and reconstructing, altering, paving, repaving, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, sewers, sewage disposal, public and private drains and other public improvements, town buildings and the planting, preservation, care and removal of trees within highways or public places, garbage, rubbish and ash collection, and disposal, and shall have such other powers and duties as the Council may prescribe. Any provision of this section to the contrary notwithstanding, the Department of Public Works may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the Board of Education and approved by the Council, provided the costs are charged against the Board of Education's appropriations.

SECTION 7-2: DIRECTOR OF PUBLIC WORKS.

The Director of Public Works shall be appointed by the Mayor subject to the
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approval of the Council and may be removed by the Mayor. The Director of Public Works shall be chosen on the basis of executive and administrative qualifications or experience. Subject to the merit provisions of this Charter, except as hereinafter provided, the Director shall appoint and may remove all other employees of the department. The Director of Public Works shall exercise his powers and discharge his duties under the supervision of the Mayor. The Director of Public Works shall be the tree warden, with all the powers and duties provided by law, and he may appoint and may remove deputy tree wardens.

SECTION 7-3: TOWN ENGINEER.

The Mayor shall appoint and may remove subject to the merit provisions of this Charter, a professional engineer registered in accordance with the General Statutes of the State of Connecticut, experienced in the active practice of the profession who shall have charge of all engineering work of the Town and who shall appoint, subject to the merit provisions of this Charter, such other assistants as may be required. The Town Engineer shall be responsible to the Mayor and shall have the duty of advising the Department of Public Works and any other commission, department or agency concerning engineering problems.

CHAPTER VIII: DEPARTMENT OF WELFARE

SECTION 8-1: POWERS: DIRECTOR OF PUBLIC WELFARE.

The Department of Welfare shall have
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all powers and duties relating to the poor and dependent persons vested by law in the selectmen of the Towns. The Director of Welfare shall be appointed by the Mayor subject to the approval of the Council and may be removed by the Mayor. Said Director of Welfare shall be chosen on the basis of executive and administrative qualifications or experience and shall be responsible for administration of all welfare activities of the Town. Such Director shall appoint and may remove, subject to the merit provisions of this Charter, all other employees of the Department. The Director shall have power to make all rules and regulations relating to the administration of the Department not inconsistent with the general statutes and ordinances of the Town. The Director shall have such other powers and duties as the Council may direct.

CHAPTER IX: DEPARTMENT OF
PARKS AND RECREATION

SECTION 9-1: POWERS.

The Department of Parks and Recreation shall be responsible for the control, development, operation, and management of all public grounds, buildings, equipment and facilities provided by the Town for parks and recreational purposes, except those under the jurisdiction of the Board of Education which may be used by the Department of Parks and Recreation with the consent of the Board of Education. The Department of Parks and Recreation shall have such other powers and duties as

the Council may prescribe, which may include maintenance of the facilities under the Department's responsibility.

SECTION 9-2: DIRECTOR OF PARKS AND RECREATION.

The Director of Parks and Recreation shall be appointed by the Mayor subject to the approval of the Council and may be removed by the Mayor. Said Director of Parks and Recreation shall be appointed on the basis of executive and administrative qualifications, and shall, subject to the merit provisions of this Charter, appoint and remove all employees of the Department. Said Director shall be charged with preparation of programs for said recreational facilities. Said Director shall prepare regulations for the use of said recreation facilities and programs and shall recommend to the Parks and Recreation Commission the fees to be charged for such use. The Director shall be responsible to the Mayor and shall perform such other park and recreation duties as the Mayor may direct. Said Director shall consult with the Parks and Recreation Commission.

SECTION 9-3: PARKS AND RECREATION COMMISSION.

The Mayor shall appoint, subject to the provisions of Section 5-5 of this Charter, a Parks and Recreation Commission consisting of five (5) resident electors of the Town, not more than three (3) of whom shall be from the same political party. Annually during the month of January the Mayor shall appoint one (1)

member for a term of five (5) years. The members of said Commission shall serve until their successors have been appointed and qualified. The Parks and Recreation Commission shall study the recreation facilities and programs of the Town, shall develop proposals as to the improvement of the facilities and programs, make recommendations to the Director and Mayor concerning the activities of the Department, and aid the Director in carrying out the program of the Department. The Parks and Recreation Commission shall set the fees for the use of the Town's recreation facilities and programs subject to the approval of the Council.

CHAPTER X: PUBLIC SAFETY

SECTION 10-1: POLICE DEPARTMENT.

The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state and the ordinances of the Town and all rules and regulations made in accordance therewith. All members of the Department shall have powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes. Nothing herein shall be construed to limit the power of special constables appointed in accordance with the General Statutes.

SECTION 10-2: THE CHIEF OF POLICE -
POWERS AND DUTIES.

The head of the Police Department shall be the Police Chief who shall be appointed by the Mayor subject to the approval of the Council and shall be subject to removal subject to the provisions of the General Statutes. The Chief of Police shall be responsible for the operation of the Police Department and shall make rules and regulations concerning the operation of said Department and the conduct of all its members. The Chief shall be responsible for the training, efficiency, discipline and good conduct of all members of the Department and the care and custody of all property used by said Department, and shall consult with the Police Commission on Departmental affairs. The Chief may discipline members of the Department for violation of rules and regulations of the Department. Any such disciplinary action may be appealed by the individual to the Police Commission. The appeal of such disciplinary action shall stay the imposition of the discipline until the appeal is decided by the Commission unless the Chief finds that immediate suspension with pay is required to ensure the public safety, which finding is subject to immediate review by the Commission.

SECTION 10-3: POLICE COMMISSION.

The Mayor shall appoint, subject to the provisions of Section 5-5 of this Charter, a Police Commission consisting of five (5) resident electors provided that no more than three (3) of the members of

such Commission shall belong to the same political party. The Mayor shall during the month of December in odd-numbered years, appoint such Commissioners who shall serve for a term of two (2) years from January 1st following their appointment, and until their successors have been appointed and qualified. Said Commission shall confer with and advise the Mayor and the Chief of Police with respect to the affairs of the Police Department. The Police Commission shall review the budget request of the Police Department prior to its submission to the Mayor.

The Police Commission shall have the power to appoint or promote personnel, by majority vote, from the top three (3) candidates on any applicable Civil Service eligibility list. The Chief of Police shall provide a recommendation for such appointment or promotion.

The Commission shall meet and hear, upon written request, the complaint of any member of the Police Department by reason of the acts or conduct of any officer. 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 Police Department. Any member of the Police Department may be represented by counsel at any proceeding or hearing to which he is a party. 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 provisions of this Charter.

SECTION 10-4: DOG WARDEN.

The Mayor shall appoint and may remove a Dog Warden and such assistants as may be necessary whose term of office and duties shall be as provided by the General Statutes. The Dog Warden shall be responsible to the Police Chief in the performance of these duties.

SECTION 10-5: BUILDING INSPECTOR.

The Mayor shall appoint and may remove, subject to the merit provisions of this Charter, a Building Inspector who shall perform such duties as may be required by law. Said Inspector may appoint and may remove, subject to the merit provisions of this Charter, such assistants as may be necessary.

SECTION 10-6: BUILDING BOARD OF APPEALS.

There shall be a Building Board of Appeals, the members of which shall be appointed by the Mayor in accordance with the General Statutes and the State of Connecticut Basic Building Code.

SECTION 10-7: FIRE DEPARTMENT.

The Fire Department shall consist of the regular and volunteer divisions which shall be responsible for the protection of life and property in the Town from fire and other like disasters and emergencies, and for the enforcements of all laws, ordinances, and regulations relating to fire prevention and fire safety.

SECTION 10-8: THE FIRE CHIEF - POWERS AND DUTIES.

The head of the Fire Department shall be the Fire Chief who shall be appointed by the Mayor subject to the approval of the Council and shall be subject to removal subject to the provisions of the General Statutes. The Fire Chief shall assign all members of the regular divisions to their respective posts, shifts, details and duties. Said Fire Chief shall make rules and regulations concerning the operation of the regular and volunteer divisions and the conduct of all officers and paid employees thereof. The Fire Chief shall be responsible for the training, efficiency, discipline and good conduct of the regular and volunteer divisions and for the care and custody of all property used by the Department. The Fire Chief shall consult with the Fire Commission on Departmental affairs. The Chief may discipline members of the Department for violation of rules and regulations of the Department. Any such disciplinary action may be appealed by the individual to the Fire Commission. The appeal of such disciplinary action shall stay the imposition of the discipline until the appeal is decided by the Commission unless the Chief finds that immediate suspension with pay is required to ensure the public safety, which finding is subject to immediate review by the Commission.

SECTION 10-9: FIRE COMMISSION.

The Mayor shall appoint, subject to the provisions of Section 5-5 of this
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Charter, a Fire Commission consisting of five (5) resident electors provided that no more than three (3) of the members of such Commission shall belong to the same political party. The Mayor shall during the month of December in odd-numbered years, appoint such Commissioners who shall serve for a term of two (2) years from January 1st following their appointment, and until their successors have been appointed and qualified. Said Commission shall confer with and advise the Mayor and the Fire Chief with respect to the affairs of the Fire Department. The Fire Commission shall review the budget request for the Fire Department prior to its submission to the Mayor. The Fire Commission shall have the power to appoint or promote personnel, by majority vote, from the top three (3) candidates on any applicable Civil Service eligibility list. The Fire Chief shall provide a recommendation for such appointment or promotion.

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 officer. 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 Department. Any member of the Department may be represented by counsel at any proceeding or hearing to which he is a party. 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

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not affect the rights of any person under the merit provisions of this Charter.

SECTION 10-10: VOLUNTEER COMPANIES.

Nothing in this Charter shall be construed to affect the organization, status or property of the active volunteer fire companies. Whenever regular and volunteer companies are acting together, they shall be under the command of the ranking officer of the regular fire department present at the scene.

CHAPTER XI: PUBLIC HEALTH

SECTION 11-1: HEALTH DEPARTMENT.

The Director of Health shall be responsible for the preservation and promotion of the public health and shall perform such functions and shall have such powers and duties as are imposed by law on health officers and such other powers and duties as the Council may prescribe.

SECTION 11-2: DIRECTOR OF HEALTH: POWERS AND DUTIES.

The Director of Health shall be appointed by the Mayor subject to the provisions of the General Statutes and the approval of the Council and may be removed by the Mayor. The Director of Health shall have such qualifications as may be provided for by the General Statutes. Said Director shall be the administrative head of the Department of Health, and shall appoint and may remove, subject to the merit provisions of this Charter, all

other employees of said department. Said Director shall, from time to time, make rules, regulations and orders required for the preservation of the public health not inconsistent with the ordinances of the Town and he shall be governed by the public health code of the State of Connecticut.

SECTION 11-3: HEALTH DISTRICT.

Under provisions of the General Statutes governing Health Districts, the Town may enter into such a District. Any provisions of this Chapter to the contrary notwithstanding, if such a District is joined, it shall act in place of the Health Department and its Director shall act as Health Director.

CHAPTER XII: EDUCATION

SECTION 12-1: BOARD OF EDUCATION.

There shall be a Board of Education consisting of the Mayor, ex-officio, and nine (9) resident electors of the Town, no more than six (6) of whom shall be from the same political party. At the general election to be held on the first Tuesday after the first Monday of November, 1985, six (6) members of the Board of Education shall be elected. The voters shall vote for no more than four (4) of said candidates and no more than four (4) of those elected shall be members of the same political party. The six (6) candidates receiving the highest number of votes shall be elected. Said terms shall commence at twelve noon on the last Sunday of November, 1985, and shall expire at twelve

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noon on the last Sunday of November, 1989. At the general election to be held on the first Tuesday after the first Monday in November 1989 and quadrennially thereafter, six (6) members of the Board of Education shall be elected for a term of four (4) years, in the same manner as provided above.

At the general election to be held on the first Tuesday after the first Monday of November, 1983, three (3) members of the Board of Education shall be elected. The voters shall vote for no more than two (2) candidates and no more than two (2) of those elected shall be members of the same political party. The three (3) candidates receiving the highest number of votes shall be elected. Said terms shall commence at twelve noon on the last Sunday of November, 1983, and shall expire at twelve noon on the last Sunday of November, 1987. At the general election to be held on the first Tuesday after the first Monday in November, 1983, and quadrennially thereafter, three (3) members of the Board of Education shall be elected for terms of four (4) years, in the same manner as provided above. The Mayor shall be an ex-officio member without voting right. Such members shall serve until their successors are elected and qualified. Said Board shall have all the powers conferred and imposed by the General Statutes on boards of education in respect to the control and management of schools.

SECTION 12-2: BUDGET.

The Board of Education shall submit its budget to the Mayor at the same time as other departments of the Town. If the
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Board receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure in accordance therewith and file a copy thereof with the Mayor and with the Council.

The Board shall report monthly to the Mayor and to the Council a comparison of actual and estimated expenditures. The Director of Finance shall keep a full and complete record of all fiscal transactions of the Board of Education.

CHAPTER XIII: PLANNING AND ZONING

SECTION 13-1: PLANNING AND ZONING COMMISSION.

There shall be a Planning and Zoning Commission consisting of nine (9) resident electors of the Town, no more than five (5) of whom shall be from the same political party, who shall be appointed by the Mayor, subject to the provisions of Section 5-5 of this Charter and may be removed for cause; three (3) of the members of said commission shall initially be appointed for a term of one (1) year, three (3) shall be appointed for a term of two (2) years and three (3) shall be appointed for a term of three years, all to take office February 1, 1966. Annually thereafter during the month of January, the Mayor shall appoint three (3) members to serve for a term of three (3) years. Said commission may be divided into a zoning section and a planning section, each to consist of four (4) members and the chairman, no more than three (3) of whom, including the chairman, shall belong to the same political party. Such commission shall operate in accordance

with the terms of the special act in existence prior to the effective date of this Charter and shall have all powers and duties, not inconsistent with this Charter, as prescribed in Chapters 124 and 126 of the General Statutes as amended.

SECTION 13-2: ALTERNATES.

In addition to the members appointed in 13-1 of this Chapter, the Mayor shall appoint subject to the provisions of Section 5-5 of this Charter and may remove for cause, three (3) alternate members of the Planning and Zoning Commission no more than two (2) of whom shall be from the same political party and who shall act as alternates at hearings before the Planning and Zoning Commission. Initially, the Mayor shall appoint one (1) alternate member for a term of one (1) year, one (1) alternate member for a term of two (2) years and one (1) alternate member for a term of three (3) years all to take office February 1, 1966. Annually thereafter during the month of January, the Mayor shall appoint one (1) alternate member for a term of three (3) years. 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.

SECTION 13-3: ZONING BOARD OF APPEALS.

There shall be a Zoning Board of

Appeals, a bare majority of the regular members of which and a bare majority of the alternate members of which may be from the same political party. Said board shall be appointed by the Mayor subject to the provisions of Section 5-5 of this Charter in accordance with and shall act as prescribed by the General Statutes, as amended, and shall also have such powers as now exist or may be conferred by the Town.

SECTION 13-4: TOWN PLANNER.

The Town Planner shall be appointed by the Mayor subject to the approval of the Council and may be removed by the Mayor. The Town Planner who shall be a graduate municipal planner or otherwise professionally qualified by training or experience, who shall be responsible to the Mayor. The Town Planner shall be the head of Town Planning Department and shall have the duty of advising the Mayor and the Town Planning and Zoning Commission concerning a comprehensive plan of development. The Town Planner shall have the duty of advising the Town Planning and Zoning Commission, and any other commission, department or agency concerning the effect of any actions it may take on said comprehensive plan. Subject to the merit provisions of this Charter, the Town Planner may appoint and may remove all other employees of the Department.

SECTION 13-5: ZONING ENFORCEMENT OFFICER.

The Mayor shall appoint and may remove subject to the merit provisions of this
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Charter a Zoning Enforcement Officer who shall be responsible for the enforcement of zoning regulations and have such other duties as the Council may prescribe.

CHAPTER XIV: LIBRARIES

SECTION 14-1: LIBRARY BOARD.

There shall be a Library Board of five (5) resident electors, no more than three (3) of whom shall be members of the same political party. Initially the Mayor shall appoint one (1) member for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of four (4) years and one (1) member shall be appointed for a term of five (5) years, all to take office February 1, 1966. Annually, thereafter, during the month of January, the Mayor shall appoint subject to the provisions of Section 5-5 of this Charter one (1) member for a term of five (5) years. Such Board shall establish policies for the operation and use of all public libraries in the Town and shall exercise full supervision over all public library operations. Such Board shall appoint and may remove the Library Director and any Assistant Directors. Subject to the merit provisions of this Charter, said Board shall appoint such other personnel as are necessary to administer the library system of the Town.

CHAPTER XV: FINANCE

SECTION 15-1: DEPARTMENT OF FINANCE.

The Director of Finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of Town funds and money, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the Council. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the Town. Forms of such accounts shall be prescribed by the Director of Finance with the approval of the Mayor. Financial reports shall be prepared for each quarter and for each fiscal year and such other periods as may be required by the Mayor.

SECTION 15-2: DIRECTOR OF FINANCE.

The Director of Finance shall be appointed by the Mayor subject to the approval of the Council and may be removed by the Mayor. Said Director of Finance shall be qualified by training or experience, and shall have direct supervision over the Department of Finance. Except as provided in this chapter, the Director of Finance shall appoint and may remove, subject to the merit provisions of this Charter, all other employees of this department, and shall have all the duties and powers prescribed by law to Town treasurers and shall serve as agent of the Town deposit fund.

SECTION 15-3: TAX COLLECTOR AND ASSESSOR.

The Tax Collector shall be appointed by the Mayor subject to the approval of the Council and may be removed by the Mayor. The Assessor shall be appointed by the Mayor subject to the merit provisions of this Charter. The Tax Collector and Assessor shall have the powers and duties imposed by law on such officers. The Tax Collector and Assessor shall have such other duties as the Council may prescribe. The Tax Collector and Assessor shall in the performance of their respective duties be responsible to the Director of Finance.

SECTION 15-4: PURCHASING AGENT.

The Director of Finance shall act as or appoint, subject to the approval of the Mayor and the Council, and may remove, a Purchasing Agent who shall be the head of the Division of Purchases. Pursuant to rules and regulations established by ordinance, the Purchasing Agent shall contact for and purchase all the supplies, materials, equipment and contractual services required by any department, office or agency of the Town Government. No contract for services on behalf of the Town shall continue for a period longer than twenty-four months without the approval of a two-thirds (2/3) vote of the Council present and voting. The Purchasing Agent shall have the following powers and duties: a) to establish and enforce, with the approval of the Mayor and after consultation with the heads of all departments, standard specifications for all supplies, materials and equipment

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required by the several departments, offices, and agencies of the Town; b) to prescribe the time of making requisitions for such supplies, materials and equipment; c) to establish a system for inspection of all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications; d) to supervise and control such central store rooms as the Council may provide by ordinance to serve the several departments, offices and agencies and to use the facilities of the Board of Education, upon approval of said board; e) to transfer, with the approval of the Mayor, to or between departments, offices, and agencies, or sell supplies, materials and equipment considered to be surplus, obsolete or unused, after consultation with the head of the department, office or agency concerned; f) to give to the Mayor and Legislative Council, an accounting at the time of the sale, donation, or other disposition of any unused equipment, stating to whom it was sold, the original cost, the date of purchase, and the monies obtained as a result of such disposition; g) to maintain an inventory of all movable equipment belonging to the Town; i) to purchase at the expense of the Town, surety bonds for all officials and employees of the Town required by law or by ordinance to furnish bonds to the Town, and insurance of such types against liability, loss or damage on the part of the Town or its property with approval of the Mayor, and be responsible for collection of insurance benefits and other matters relating to the administration of

the Town's insurance; j) to prepare subject to the approval of the Council such rules and regulations regarding competitive bidding as may be necessary.

CHAPTER XVI: WATER POLLUTION CONTROL

SECTION 16-1: WATER POLLUTION CONTROL AUTHORITY.

There shall be a Water Pollution Control Authority consisting of the Mayor, and four (4) resident electors appointed by the Mayor, no more than two (2) of said resident electors being from the same political party. Initially, the Mayor shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, and one (1) member for a term of three (3) years, and one (1) member for a term of four (4) years, all to take office February 1, 1966. Annually thereafter, during the month of January, the Mayor shall appoint one member for a term of four (4) years. This commission shall be vested with all right, duties and authority of Water Pollution Control Authorities as provided in the General Statutes, and shall constitute the Water Pollution Control Authority of the Town.

CHAPTER XVII: PERSONNEL

SECTION 17-1: GENERAL PROVISIONS.

It shall be the policy of the Town to appoint all officers and employees of the Town without regard to race, creed, color, sex, or national origin. Public notice shall be given for all openings in Town positions, including Mayoral appointments,

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prior to the filling of such positions. All officers and employees in the classified service of the Town as described in Section 17-2 of this Chapter, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

SECTION 17-2: CLASSIFIED SERVICE.

The classified service shall include appointees to all positions now or hereafter created except those positions excluded by this Charter, elective officials, officers whose appointments and terms are prescribed by statute, 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.

SECTION 17-3: EMPLOYMENT CONTRACTS.

Except for employees of the Mayor's office and the Legal Department, the Mayor may, with the approval of the Council, enter into an employment contract with a Mayoral appointee not covered by the merit provisions of this Charter to serve for a period not to exceed three (3) years, provided that any such contract shall include an initial ninety (90) day probationary period. If the contract extends beyond the end of the current term of the Council and Mayor, the contract must be approved by a two-thirds (2/3) vote of the Council present and voting. Such a contract shall provide that the Mayor may remove the employee at any time; however, in the event of removal without

cause, the Town shall remain bound to fulfill all financial commitments contained in such employment contract, unless such removal without cause shall take place within the first ninety (90) days of such contract. The Mayor may instruct the Personnel Director to prepare job descriptions, conduct searches, interviews and examinations for any position to be filled under this section.

SECTION 17-4: CIVIL SERVICE COMMISSION.

There shall be a Civil Service Commission, appointed by the Mayor as provided in the General Statutes. Such Commission shall have all the powers and duties prescribed by the General Statutes. The Executive Secretary of the Commission shall serve as the Personnel Director of the Town.

SECTION 17-5: PERSONNEL APPEALS BOARD.

The Mayor shall appoint subject to the provisions of Section 5-5 of this Charter and may remove for cause five (5) resident electors of the Town to serve as a Personnel Appeals Board. Initially the Mayor shall appoint one (1) member for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years and one (1) member for a term of one (1) year, all to take office February 1, 1966. Annually thereafter, during the month of January, one (1) member shall be appointed for a term of five (5) years. They shall have the duty of hearing and determining appeals from any member of the classified

service who is dismissed, demoted, suspended, fined or otherwise aggrieved as a result of the interpretation and application of the rules and regulations promulgated under this Chapter. They shall have such other duties and powers as may be prescribed by the Council.

SECTION 17-6: STATUS OF PRESENT EMPLOYEES.

All persons holding permanent positions in the service of the Town (at the effective date of this Charter) including employees of a board or commission, whose positions are included in the classified positions by the terms of this Chapter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced or removed in accordance with the provisions of this Chapter. All other employees of the Town at the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such position pending action by the Council or the appropriate officer charged by this Charter with the power of appointment and removal. Any provision of law in force on the effective date of this Charter, and not inconsistent with the provisions of this Charter, in relation to personnel appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof shall continue in effect, until or unless amended or repealed by the Council. Any permanent employee presently in the classified service of the Town of

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Hamden whose position is abolished by the adoption of this Charter shall be relocated to other comparable employment with the Town of Hamden at a salary or wage not less than that such permanent employee is presently receiving.

SECTION 17-7: VALIDATION OF PENSION RIGHTS.

The rights of all persons, (including their eligible survivors), in the employment of the Town actually receiving or entitled to receive pensions or retirement allowances prior to the effective date of this Charter are expressly validated and preserved and the Town shall continue to pay such pensions and allowances.

SECTION 17-8: RETIREMENT.

The Hamden Employees Retirement Act adopted May 8, 1962, is not affected by this Charter, provided, wherever the words "First Selectman" or "Board of Selectman" appear, the word "Mayor" shall be substituted and further provided that where the words "Representative Town Meeting" are used, the words "Legislative Council" shall be substituted and further provided that where the words "Treasurer" or "Board of Finance" are used the words "Director of Finance" shall be substituted.

CHAPTER XVIII: BUDGET

SECTION 18-1: FORMULATION AND SUBMISSION OF TOWN BUDGETARY REQUESTS.

Prior to the submission of the budget of the Mayor to the Council, each
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department, office or agency of the Town supported wholly or in part of Town funds, including the Board of Education, shall submit to the Mayor and the Director of Finance at such time in such form and containing such information as the Director of Finance may require, a budgetary request showing services, activities and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

The budgetary request shall include a detailed estimate of the expenditures to be made by the department, office or agency, and the revenue, other than tax revenues, to be collected in the ensuing fiscal year and such other information as may be required by the Council, the Mayor, or the Director of Finance.

Forms provided by the Director of Finance for the itemized estimates of income and expenditures shall require no less than the following data:

- 1) An itemization of all proposed expenditures for services or administration to be provided, including manpower and monetary requirements.
- 2) Comparative figures for:
 - a. Actual or estimated income, other than income from tax revenues, and expenditures for the current fiscal year.

- b. Actual income, other than income from tax revenues, and expenditures for the preceding fiscal year, and proposed expenditures for current operations during the ensuing fiscal year.

SECTION 18-2: THE MAYOR, AND THE DIRECTOR OF FINANCE AND THE BUDGET.

Not later than one-hundred five (105) days before the end of the fiscal year the Mayor, having reviewed or revised the budgetary requests outlined in Section 18-1, shall present to the Council a budget that shall provide a listing of all Town funds for the appropriate period(s) and a budget message that shall: (1) explain the budget both in fiscal terms and in terms of work programs; (2) outline the proposed financial policies of the Town government for the ensuing year; (3) describe the important features of the budget - including major changes from the current fiscal year; (4) summarize the Town's debt position; and (5) include such other material as the Mayor deems desirable.

The budget shall show (a) estimates of revenue, presenting the itemized receipts collected in the preceding fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, and estimates of the receipts to be collected in the ensuing

fiscal year; and (b) itemized estimates of expenditures, presenting the actual expenditures for each department, office or agency for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, and the requests of the several department, offices and agencies for the ensuing fiscal year. This section of the budget shall also contain

(1) an estimate of the available surplus or deficit, at the end of the current fiscal year; (2) proposed expenditures for debt service for the ensuing fiscal year; (3) the proposed property tax levy for the ensuing fiscal year; and (4) the recommendations of the Mayor and the Director of Finance of the amounts to be appropriated for the ensuing fiscal year for all items, including those of the Board of Education (as outlined in Section 12-2 of this Charter); (5) such other information as the Council may require. The Mayor shall report to the Council the reason for all such recommendations.

As a part of the annual budget or as a separate report attached thereto, the Mayor shall present a program of proposed Capital Expenditures for the ensuing fiscal year and for five fiscal years thereafter. Estimates of the cost of such expenditures shall be submitted by each department, office or agency annually in the form and manner prescribed by the Mayor and the Director of Finance. The Mayor shall recommend to the Council those

expenditures to be undertaken during the ensuing fiscal year and the method of financing the same.

At the time of presentation of the Budget to the Council, the Mayor shall Town make available for public inspection in the Town Clerk's Office, and the central library and each branch of the Town library system several copies of the total budget and all supportive material and supplements which are available to the Council. Announcement of such availability shall be made at that time in a newspaper having a circulation in the Town.

SECTION 18-3: THE LEGISLATIVE COUNCIL AND THE BUDGET.

The Council shall hold one or more public hearings not later than sixty (60) days before the end of the fiscal year at which any elector or taxpayer may have an opportunity to be heard regarding the proposed budget. At least five (5) days prior to said public hearing(s) the Council shall cause to be published in a newspaper having a circulation in the Town, a notice providing (1) the time and place of such hearing(s); and (2) a general summary of the budget. At the same time, the Council shall make available for general distribution to the public of the Town of Hamden, copies of the proposed budget including the Board of Education budget in detail, containing the Mayor's proposals regarding revenues and expenditures, the comparative figures for the current fiscal year, and the amount to be raised by taxation. After the public

hearing(s) the Council may add or increase programs or amounts and may delete or decrease programs or amounts, except that no items of expenditure required by law or for debt service may be deleted or decreased.

Subject to the provisions of Section 18-4 of this Charter, the Council shall adopt a budget not later than forty-five (45) days before the end of the fiscal year and shall file the same with the Town Clerk and the central library and each branch of the Town Library System. At the time the Council approves of said budget, it may also at said time or such later date as the General Statutes of the State of Connecticut may permit, fix the tax rate in mills, which shall be levied on the taxable property in the Town for the ensuing fiscal year. Should the Council not have adopted a budget within the allotted time, the budget as originally submitted by the Mayor shall be deemed to have been adopted by the Council and the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of Section 18-5 of this Charter. The Council may levy annually, a tax of not more than two mills to be assessed upon the taxable property in the Town for the benefit of a fund to be known as the "Capital and Nonrecurring Expenditures Fund" to be used solely to pay the cost of capital improvements for which the Town is authorized to issue bonds. The Council shall have the power to transfer to this fund any portion of the general fund cash surplus not otherwise appropriated. Appropriations for
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construction or for other capital improvements shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three fiscal years have elapsed without any expenditure from or encumbrance of the appropriation. Any portion of an annual appropriation unexpended and unencumbered at the close of a budget year shall lapse.

SECTION 18-4: APPROVAL, VETO, AND VETO
OVERRIDE OF THE TOWN BUDGET.

The Mayor shall have the power to approve, veto, or accept the entire Town budget as adopted by the Council, and the Council shall have the power to override the Mayor's veto, subject to the limitations and in accordance with the provisions of this Section. Notwithstanding the foregoing, the Mayor's veto power shall not extend to appropriation items in the Town budget regarding debt service or the auditing of Town Books and accounts.

Every proposed Town Budget shall be presented to the Mayor for approval, veto or acceptance within five (5) days after adoption by the Council. Within fifteen (15) days after adoption by the Council, the Mayor shall approve, veto or accept the proposed Town Budget. Every Town Budget approved by the Mayor and those accepted by the Mayor's not acting to approve or veto such Town Budget within fifteen (15) days shall become effective in accordance with this section. Every Town Budget vetoed by the Mayor shall be returned within the same fifteen (15) days

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to the Clerk of the Council with a statement of the reasons for the veto. Following receipt of the Mayor's veto, any vetoed Town Budget again approved by an affirmative vote of at least two-thirds (2/3) of the Council present and voting at a meeting shall become effective in accordance with this section.

SECTION 18-5: PETITION FOR BUDGET
OVERRIDE.

The Budget, except fixing the tax rate, shall be subject to override. If within twenty (20) days after approval of the budget as provided in Section 18-4, a petition signed by not less than twenty per cent (20%) of the qualified 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 Statutes. The Council may by a two-thirds (2/3) vote of those present and voting add non binding referenda to be on the ballot of such election. The budget 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 per cent (25%) of the electors entitled to vote on the question shall have voted.

Temporary financing and spending shall be in accordance with Section 18-6 of this Charter.

SECTION 18-6: EXPENDITURES PRIOR TO FINAL
ADOPTION OF TOWN BUDGET.

When the Town Budget has not been adopted prior to the beginning of any fiscal year, or if the Budget has been repealed under Section 18-5, the Director of Finance, subject to the approval of the Mayor, may make necessary expenditures for a period of ninety (90) days in amounts authorized by the Council. Such expenditures shall have been included in the proposed budget of the Mayor as presented to the Council and shall constitute the first charges against appropriations for the fiscal year in which they are made.

If the budget has not been enacted or has been repealed as provided in Section 18-5, the tax rate established for the preceding fiscal year shall remain in effect until such time as a new budget is adopted.

If the budget has been repealed, or the Mayor's veto has not been overridden within thirty (30) days of the veto, the Council shall within thirty (30) days of such repeal or veto adopt a substitute budget and fix a substitute tax rate, subject to the veto provisions of Section 18-4 of this Charter, and file such substitute budget and substitute tax rate with the Town Clerk and the central library and each branch of the town library system. Should the Council not have adopted a substitute budget within the allotted time, the budget as originally submitted by the Mayor shall be deemed to have been adopted by the Council

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and the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted.

The substitute budget and substitute tax rate enacted pursuant to this section shall be subject to a petition for overrule as provided in Section 18-5.

If as a result of the adoption of a substitute tax rate, the tax rate which took effect at the beginning of the fiscal year is changed, the following procedure shall apply: (1) For those taxpayers paying their taxes in two installments, the change shall be applied against the second installment in the amount produced by applying the final mill rate to the relevant assessment, retroactive to the preceding July 1; (2) For all other taxpayers, a cash refund or revised bill shall be mailed to the taxpayer.

SECTION 18-7: FISCAL YEAR.

The fiscal year of the Town of Hamden shall begin on the first day of July and end on the thirtieth day of June next following.

SECTION 18-8: EXPENDITURES AND ACCOUNTING.

A) No purchase shall be made on account of the Town except as prescribed by this Charter. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

B) No voucher, claim or charge against the Town shall be paid until the same has been audited and approved by the Director of Finance or the Director's agent for correctness and legality. Checks shall be drawn by the Director of Finance for the payment of approved claims. In the absence or inability to act of the Director of Finance the Mayor may designate a person to temporarily act in place of the Director of Finance.

C) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the Town shall pay the same to the Town.

D) The several departments, commissions, offices and boards of the Town, including the Board of Education, shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved and voted by the Council.

E) Each order drawn shall state the department, commission, board or officer or the appropriation against which it is to be charged. When any department, commission, board or officer (except the Board of Education) shall desire to secure a transfer of funds set apart for one specific purpose to funds set apart for another, before incurring any expenditure therefor, such department, commission, board or officer shall make application to the Council, through the Director of Finance whose duty it shall be to examine the matter, and upon approval of the

Council, such transfer shall be made, but not otherwise except as may be permitted under the terms of item (I) below.

F) The Council may by resolution, upon the approval of the Mayor, transfer any unencumbered appropriations balance or portion thereof from one department, commission, board, or office to another. No transfer shall be made from any appropriations for debt service and other statutory charges.

G) Additional appropriations over and above the total budget may be made from time to time by resolution of the Council upon recommendation of the Mayor and certification from the Director of Finance that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations.

H) If any official or employee of the Town of the Board of Education shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action may be cause for removal or civil action. In addition, the Town may, by vote of the Legislative Council, undertake to recover from such official or employee, an amount equal to such obligation or expenditure so made.

I) The Council, by resolution, may authorize the Director of Finance to make during the last ninety (90) days of a fiscal year, interdepartmental transfers not to exceed an accumulated department

total of Five Hundred Dollars (\$500.00). Such transfers must be approved by the Mayor and reported to the Council monthly.

CHAPTER XIX: TRANSITION AND
MISCELLANEOUS PROVISIONS

SECTION 19-1: TRANSFER OF POWERS.

The powers which are conferred and the duties which are imposed upon any commission, board, department or office 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, there- after be exercised and discharged by the commission, board, department or office upon which are imposed such powers and duties under the provisions of this Charter. All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provision 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 appointed.

SECTION 19-2: TRANSFER OF RECORDS AND
PROPERTY.

All records, property and equipment whatsoever of any commission, board, department or office or part thereof, all

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the powers and duties of which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned. 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 relating exclusively thereto shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned.

SECTION 19-3: CONFLICT OF INTEREST.

No member of the Council or official or employee of the Town shall have any financial interest direct or indirect, in any contract with the Town or in the sale to the Town of any supplies, materials, services, land, building or equipment, except on behalf of the Town as official or employee thereof unless such member shall file with the Town Clerk a written statement setting forth fully the nature and extent of such member's interest therein. A member of the Council filing a disclosure under this section with the Town Clerk shall refrain from voting on matters involving said contract with or sale to the Town as aforesaid. No member of the Council or official or employee of the Town shall solicit or accept any compensation or gratuity in the form of money or otherwise from any person, firm or corporation, which might tend to influence the discharge of the duties of

such member, provided that nothing herein shall prohibit an official or employee of the Town from accepting a publicly offered reward for meritorious conduct. Any violation of the provisions of this section shall render any contract involved voidable at the instance of the Town. The Council may, in accordance with the provisions of Section 3-5, by ordinance, supplement the provisions of this section.

SECTION 19-4: LEGAL PROCEEDINGS.

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town, or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or office which is a party thereto may by or under this Charter be assigned or transferred to another commission, board, department or office, but in that event the same may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

SECTION 19-5: BOARD OF ETHICS.

A. Creation and Appointment of members.

There shall be a Board of Ethics, consisting of five (5) members, no more than three (3) of whom shall be members of

the same political party and two (2) alternates, resident electors of Hamden, to be appointed by the Mayor and approved by the Council. Such members shall not be elected officials or employees of the Town. They shall hold no other appointed office in the Town except Justice of the Peace or Notary Public. If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act. The members shall serve without compensation for a term of five (5) years commencing on January 1 of the year of his or her appointment. Initially the Mayor shall appoint one (1) member for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years and one (1) member for a term of one (1) year, all to take office January 1, 1984. Annually thereafter, during the month of January, one (1) member shall be appointed for a term of five (5) years. Initially the Mayor shall appoint one (1) alternate member for a term of two (2) years and one (1) alternate member for a term of one (1) year.

Annually thereafter, during the month of January, one (1) alternate member shall be appointed for a term of two years.

The Board's rules and regulations of procedure shall be established by the Code of Ethics. The activities, votes and rulings of this Board shall not be subject to oversight or reversal by any Town official or body.

B. Duties and Powers.

1. Advisory Opinions.

The Board shall render advisory opinions concerning the application of this Charter and/or any Code of Ethics adopted by the Town to any officer or employee upon his or her request. Such advisory opinions shall be published and filed with the Town Clerk with such deletions as may be necessary to prevent disclosures of the identity of the officer or employee involved.

2. Investigations.

a. Probable Cause.

Upon the written complaint of any person, signed under penalty of false statement, or upon its own complaint, the Board shall investigate any alleged violation of the Charter and/or any such Code of Ethics. Any investigation whether or not there is probable cause to believe that a violation of this Charter and/or any such Code of Ethics has occurred shall be confidential and not open to the public unless the respondent requests otherwise. If such probable cause is found, the Board shall initiate hearings to determine whether there has been such violation.

b. Hearings.

All hearings pursuant to this subsection shall be open to the public. The Town Attorney or his appointed representative, who shall also be an attorney, shall attend such hearings and rule on all matters concerning the application of the rules of evidence, which shall be the same as in judicial

proceedings. At such hearings, the respondent shall have the right to be represented by legal counsel, the right to compel the attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. The Board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books, documents, records and papers. At the request of the Board, any judge may issue a writ of habeas corpus for the appearance of the respondent, witnesses, and the production of books, documents, records and papers. The Board shall find no person in violation of the provisions of this Charter and/or any such Code of Ethics except upon the concurring vote of four (4) of its members.

3. Code of Ethics.

The Board shall have such other duties and powers as may be provided by any such Code of Ethics or ordinance.

C. Violation.

A violation of the provisions of this Charter and/or any such Code of Ethics shall be referred to the Council in the case of any elected officer, to the appointing authority in the case of any appointed officer and 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 findings and decision, which may include removal from office.

D. Appeal.

Any officer 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 an appeal to the Superior Court.

SECTION 19-6: EXISTING LAWS AND ORDINANCES.

All special acts of the legislature and ordinances of the Town, except as the same are in conflict with this Charter, shall continue in full force and effect until amended or repealed.

SECTION 19-7: AMENDMENT OF CHARTER.

This Charter may be amended in the manner prescribed by law.

SECTION 19-8: SAVING CLAUSE.

If any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which a section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

SECTION 19-9: EFFECTIVE DATE.

The provisions of this Charter and amendments thereto as to the administration of the Town shall become effective upon adoption by the voters of the Town of Hamden.