

**TOWN OF HAMDEN, CONNECTICUT
CHARTER REVISION COMMISSION
MINUTES OF MEETING**

March 20, 2021

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A meeting of the Charter Revision Commission was held on Saturday, March 20, 2021 via Zoom due to the Covid-19 Pandemic. The meeting was called to order at 9:14 A.M. by the Chair, Mr. Dixon.

MEMBERS PRESENT: Frank Dixon, Chair; Jackie Downing, Vice Chair; Lamond Battle, Secretary; Jeffrey Cohen; Myron Hull; Jay Kaye; Sarah Gallagher; Frank Ladore; Marnie Hebron; Joshua Sprague – Oliveira

MEMBERS ABSENT: Thomas Figlar; Tiffany Artis -Wilson; Todd Moler; Nancy Olsen; Todd Berton

ALSO IN ATTENDANCE: Steve Mednick, Counsel

Mr. Dixon called the meeting to order and turned it over to Mr. Mednick for Agenda Item #2, “Review updated language”, “Finance Commission”. Mr. Mednick said please see on Page 2, 7-2 that the only change made is the document reflects we are calling it the Finance Commission. He said it has been reminded they always wanted to reference Best Practices so there is the first reference to Best Practices in 7-2C where it is defined the first time it is used, and then carried through. It is the only change in the Budget Presentation Oversight function.

RE: Section C, Collective Bargaining Mr. Mednick said he added language regarding the Commission being consulted throughout the process and he added a provision regarding the “transmission” of the tentative agreement within 36 hours. Mr. Mednick explained there is a 45 day time frame after the tentative agreement is created. He recommends wording be put in about the Mayor and the BOE delivering it to the Legislative Council within 36 hours, or whatever time frame the Commission designates. He believes it should be delivered as soon as possible. It should also be delivered to the Finance Commission. Mr. Mednick said this needs to be handled statutorily. There was a brief discussion of what this time frame should actually be and 48 hours was chosen. Mr. Hul said this time frame needs to be defined from when the “Clock starts ticking”. Mr. Mednick will check on this. Mr. Hul added there are collective bargaining agreements which do not go to Council and that the Town Attorney has this list. Mr. Mednick will check on this with Ms. Gruen.

Next Mr. Mednick asked the commissioners to revue his wording on page 3, of the addition of “The Finance Commission shall from time to time, issue recommended policies and standards governing the Best Practices for the financial operations of the Town”. This wording was agreed upon. This is to charge the Finance Commission to be on top of Best Practices.

Next, Mr. Mednick referenced the wording about appointments to the Board of Finance. He asked the Commissioners to revue his wording. Mr. Dixon referenced the sub-committee on Boards and Commissions and asked Commissioners LaDore, Gallagher and Downing to comment on the make-up and appointments of the Board. Ms. Gallagher said in addition to discussing whether the Mayor or the Council should appoint either two or three members, they had also discussed having Mayor’s office liaisons and possibly non-voting members from the Administration, the Council and the BOE.

Ms. Downing said that the members of the Finance Commission are not representatives of the Mayor’s Office or the Legislative Council. They represent the people of Hamden. They are independent business professionals. She pointed out that The Legislative Council is the true financial decision making entity. The important purpose of the Finance Commission is as a tool to empower the Council to understand what is being put before them, the documents, proposals, nuances and the fiscal soundness. It is her opinion that the Finance Commission should have a non-voting designee from the BOE, the Mayor’s Office, and the Council. They should be present to handle and be responsible and accountable for questions from the Council. The Legislative Council is the fiscal authority of the Town. Let’s give them the tools to do that properly. She also believes that financial professionals who have their businesses in Hamden, but may not be a resident, would be very valuable to have on this commission. Discussion followed.

Mr. Mednick expressed concern regarding non-residents on the Commission. More discussion followed. It was agreed that appointees would be: three from the Legislative Council, two from the Mayor, and one ex-officio, non-voting designee, from BOE, the Mayor’s office, and the Finance Committee (Chair or member) of the Legislative Council.

Mr. Kaye expressed concern regarding having individuals with businesses in town on the Commission because of interest. Mr. Mednick reminded that there are Ethics Board guidelines in place. The commissioners will review this question further and at this time wish to place more wording in the paragraph about Qualifications for the Finance Commission, “in accordance with the Ethics Ordinance” as an advisement to reference the Ethics Guidelines. At this point, Mr. Mednick reminded the commissioners that the wording beginning the qualifications paragraph is the “majority of the members” of the (Finance) board (5 commissioners) had to have the expertise qualifications. There was discussion of this wording. The commissioners agreed to remove the word “majority” and begin the Qualifications paragraph with: “Members of the Board shall have”.... business experience etc. etc. The commissioners discussed removing the phrase “or other such qualifications as may be defined by Ordinance” from the paragraph.

Ms. Gallagher is concerned that wording allow relevant life experience to be part of the background leading to an appointment. There was discussion regarding how to allow for this, whether by this Charter qualification paragraph alone, or the wording regarding an Ordinance. Mr. Mednick reminded that in order for the Council to adopt qualifications, it has to be done by law, it has to be done by Ordinance. He explained that the first part of the paragraph is the Charter wording, the way this is added to, is by adopting a local Ordinance. It would supplement the qualifications listed in the Charter qualifications. The Charter is establishing fundamental qualifications. This gives the Council the ability to add

additional qualifications. They cannot dilute what is in the Charter, they must be consistent with what is in the Charter. There was further discussion on whether the wording allowed for relevant life experience.

Ms. Downing pointed that the wording is very clear to this point in that it states “or at least 5 years of experience as an owner or manager or financial officer of a business or public or non-profit administrator or other such qualifications as may be further defined by ordinance”. This is open and broad enough to cover these areas of concern about relevant life experience. Ms. Downing added regarding ex-officio designees, that she believes the designee from the Administration should be from the Mayor’s Office, not the Finance Department, because the purpose is to provide information directly to the Mayor, and the BOE designee should be a BOE member. The commissioners agreed and accepted making the discussed edits. Mr. LaDore motioned to approve making the edits that were discussed. Ms. Downing seconded. Mr. Mednick will provide the revised wording in redline for the Commissions review.

At this point the commissioners went back to the labor contract discussion from earlier. They still need to clarify the ‘trigger date’, but wish to have the delivery date be 48 hours. Mr. LaDore motioned to amend the original motion regarding the time frame of delivery of contracts to 48 hours, defining the ‘trigger point, and referencing the Board of Ethics guidelines. It was seconded and approved.

Next, Mr. Mednick directed to Section 8-4 regarding Town Administrator/Chief Operating Officer, (COO). He said it is all new and he reviewed the concepts in this section for the commissioners. He read the wording for Appointment, Qualifications and Ordinance, recommending that this position be established by Ordinance. A job description created by Charter might not be relevant in four years. He recommends establishing the broad standards by Charter and then mandating some of the basic standards that should be adopted by Ordinance. He placed transition language in which requires adoption within a certain period of time. Mr. Mednick said he wished to raise an important concept on this, - whether they should place a job qualification in the transition provision, so if the Mayor does not submit and the Council does not approve an Ordinance, as a way of stifling the creation of this position, they have placed a temporary measure in the Charter that would only take effect if the Mayor and the Council did not act on it. Mr. Mednick next reviewed his recommendations on residency requirements and conflicts of interest for this position (Town Administrator) and powers and duties. Mr. Mednick and Mr. Dixon suggested the commissioners review this carefully as it is very important and after careful review, go forward with the discussion and approval of the final language in this section. A brief discussion followed regarding whether it should be a four or five year appointment, what the exact job title should be, and duties and responsibilities and whether this position should be in the Mayor ’s’ Office or a Department.

Next Mr. Hul expressed concern about, and initiated a robust discussion regarding what the role of the Town Administrator/Chief Operating Officer would be in Labor Contract Negotiations. Mr. Mednick pointed out many things about how this can be handled in other municipalities including that the Mayor designates who will be in the negotiations. There was some further discussion on powers and duties. Mr. Hul emphasized his concern about the need for the Chief Operating Officer, “COO” especially with regard for the need for the “COO” to be in labor negotiations that involve the BOE. There was further discussion. Mr. Mednick suggested wording that would indicate that the “COO” would assist the Mayor and the BOE in labor negotiations. There was further discussion about powers and duties. Mr. Hul said he will put something together on this for further review. Mr. Hul expressed strong concern about the “4 plus one” or, five year appointment of the “COO”. He indicated strongly that the Mayor must be able to

remove this person at will if desired. There was discussion and Mr. Mednick referred Mr. Hul back to Section 3-10 and asked him to review this because he believes it addresses this concern. At this point Ms. Downing said she is not in favor at all, of creating this position by Charter. She discussed her reasons including her belief that they may be doing this by Charter, as an over- reaction to the dysfunction of the Town, especially in finances in the past few years. She indicated that she believes if this Charter Commission makes the Mayor a 4 year term, this will attract high level professionals, more qualified people who are willing to make the commitment to this “COO” position and other positions. She believes, and referenced experts who previously spoke with this commission, that the creation of a 4 year term will provide much greater stability and continuity and attract better department heads who will want to work in this more stable environment. She is not in favor of the “COO” position, but if it does go forward by will of this commission, she hopes it will be consistent with the four year term, not the “4 plus one” (5 year) She questioned how can you put a person from someone else’s administration in this position who all departments, except legal, reports to, and have a figure head, (the Mayor) be expected to get things done. She feels it can create a kind of dysfunction which “hamstrings” the Chief Elected Official. There was more discussion on the topic of the “COO” position. Mr. Mednick suggested that this commission decide whether they want to go in this direction of having a “COO” at all, before they work on the language in this section. At this point Ms. Downing inquired about the current staffing in the Mayor’s Office. Mr. Mednick directed his answer to describing models referencing other municipalities. There was continued discussion on the pros and cons of this position, whether it could, or should be defined by Charter, what the value of such a position would be, and in fact, does something like this already exist in the Mayor’s office, etc. etc.

Discussion continued in which Mr. Hul stated he does not believe this position should not be in the Mayor’s office, it should be a department with departments answering to it. He went on to describe various configurations he recalls through the years in this Mayor’s office having this same position, called by different name such as Chief Administrative Officer to the current “Chief of Staff”. He also indicated he is in favor of this appointment requiring approval from the Council because not having Council approval doesn’t provide enough vetting for this position. Mr. Hul added later that he believes we do need this “COO” position in the Charter and he reminded that it does not cancel out having a “Chief of Staff” in the Mayor’s Office. Both can exist.

Mr. LaDore expressed his opinion that this position is indeed very important, he is in favor of it and believes that this Charter Revision Commission should create it. The purpose is to keep a Mayor from appointing someone like an old college friend or a relative with no qualifications instead of a qualified professional, and it gives them (this Commission, Council etc.) more control over the qualifications of who is helping the Mayor in running this town.

At this point, Mr. Dixon said he would really like to move forward with either, the discussion of this position and how it will be structured, or possibly take a vote deciding not to proceed with this.

Mr. Hul moved a motion that the Commission continue to consider the requirement of a Chief Operating Officer position as part of the organizational structure of the Town as defined by Charter. Ms. Downing seconded. This passed with all in favor. This item will be moved to the next meeting for discussion.

Next, Mr. Mednick directed to the Budget Section, page 17. He said the first change was getting rid of the Tax Receipt Estimate Ordinance. Then he directed to Section 10 – 4 where they added the clarification that the Public Hearings of the Council would take place and the Council would be looking at the public service components work program of the budget, “Board of Finance approval” was changed

to “Deliberations” on the proposed budget, and then Section C where the Board of Finance is not approving a budget, they are making recommendations which have to follow along with the responsibilities set forth in the Budget Section. Mr. Mednick said he added that there should be a meeting between the Board of Finance and the Council during this process. Mr. Mednick said he moved the Mayor’s Budget Message to this spot, three days after the recommendations come from the Finance Commission and this is later in the process than where it previously was. He did this because it gives the Mayor time after the assumptions are challenged, and recommendations from the Board are made, to review all of that information and to be able to come back and respond.

Next to Budget Liaison page 10-1B.

Before getting to Budget Liaison some questions were asked about the 1.Dates of the Budget Message. - Mr. Mednick indicated he had not changed that time frame and also - 2.the setting of the Mill Rate. - There was some discussion on the Term, “The Mayor sets the Mill Rate”. Mr. Kaye was seeking clarification on this as it pertains to the wording about a situation with the Mayor vetoing a budget, then Council over-riding a veto, then “The Mayor sets the Mill Rate”. Ms. Downing explained that the Mill Rate is based on a mathematical calculation of the approved budget, and what money needs to come in. It is then “set” by the Mayor. Mr. Hul said in previous years the Council did set the Mill Rate by Ordinance, and a set of Ordinances were adopted after the Budget was set. He does not know what happened to them, but it was a formal process. He said the term “The Mayor sets the Mill Rate” sounds loose to him and he believes they should go back to having the Council set the Mill Rate, or at least discuss this.

Mr. Mednick directed to language in 10-5B1 in the current Charter which reads that the Council does establish the Mill Rate. Mr. Mednick said someone, (the Mayor) does it by an Administrative Step. Mr. Hul pointed to the wording in Section 10-5B2, and there was some discussion about this wording needing to be clarified.

Mr. Hul went on to indicate that he believes that when the Finance Board reviews the Mayor’s Budget, they need to review the Legislative Council’s Budget. Mr. Hul said exactly what they did to the Mayor’s Budget, they need to do the Council’s Budget. It is a closing of the loop of the Adopted budget and giving a recommendation to the Mayor for his review in deciding to veto or not to veto. Mr. Hul said it is important and if it is not in the document, it should be in this document. Mr. Mednick referred to this as ‘parallel responsibility’ and directed to Section 10-5A3 under “Modification of Proposed Town Budget” and ‘you’ would want to have a narrative or report of the changes and the rationale or assumptions made in the Council Budget and explain them, just as the Mayor has to explain his assumptions when he presents he budget to them. Mr. Mednick called this wording “Parallel accountability on assumptions and estimates”. There was a general consensus among the Commissioners that this is a very good idea.

Next the position of Budget Liaison was discussed in light of whether or not it was still necessary since the Finance Board would have designees from BOE, Council and Administration. It was pointed out that this position would be a day to day hands on in research position and provide answers all the time to those working on the Budget/Finances. The Designees to the Finance board do not have the same function and in fact the Finance Board may only meet monthly. The day to function of this position was deemed important by all Commissioners.

At this point Ms. Downing pointed out that some commissioners had left the meeting so now there is no quorum and this discussion is “only conversation”. There was a brief discussion about the continuing today’s Agenda in subsequent meeting.

With no more business the meeting adjourned at approximately 12:18 PM.

This meeting had no clerk. Meeting starting/ending times and attendance were best guessed by watching the video.

Discussion summary typed while viewing the video and submitted by Rose Lion, Secretary to the Legislative Council

Ms. Renta, Legislative Council Administrator/Clerk reviewed the minutes and added the video link before filing.