

**TOWN OF HAMDEN, CONNECTICUT
LEGISLATIVE COUNCIL
MINUTES OF SPECIAL MEETING**

August 11, 2021

(Continuation of meeting recessed on August 2, 2021)

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A special meeting of the Legislative Council was held on Wednesday, August 11, 2021. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called out of recess at 7:20 P.M. by the Council President Pro tem.

MEMBERS PRESENT:

Kathleen Schomaker	Dominique Baez
Marjorie Bonadies	Adrian Webber
Brad Macdowall	Jody Clouse (after roll call)
Betty Wetmore	Jeron Alston
Austin Cesare	Valerie Horsley
Berita Rowe-Lewis	

MEMBERS ABSENT: Athena Gary; Kristin Dolan; Justin Farmer

PRESIDING: Kathleen Schomaker, President Pro tem

ALSO IN ATTENDANCE: Frank Dixon, Charter Revision Commission Chair; Steve Mednick, Counsel to Council; Sue Gruen, Town Attorney

AGENDA:

APPROVAL OF FINAL REPORT OF THE CHARTER COMMISSION:

Mr. Mednick went over a few issues such as the post meeting issue saying eliminating words in provisions may change the effect of the provisions so they can only reject it. He also mentioned the 2 items where the commission suggested no revised language.

There was some discussion on party affiliations of the CRC members.

Mr. Alston asked if the 2 items with no language would revert back to the prior language. Mr. Mednick went over LCR#'s 22 and 28 and answered yes. Mr. Alston asked Mr. Dixon if that was the CRC's intent and Mr. Dixon said yes.

Ms. Schomaker requested a motion to take LCR#5 off the table. Moved by Ms. Horsley, seconded by Mr. Macdowall.

Mr. Mednick went over the DEI Commission and how they developed a methodology. He said 7-1 G (1) defines diversity and is much clearer. He recommended they reject the 7-2 L (3) (f) language and replace it with a holder and refer to 7-1 G (1) which he thinks is more clear and direct. Ms. Horsley said that satisfies her.

Ms. Horsley moved a motion to reject 7-2 L (3) (f) and refer it to the other section. The motion was seconded by Ms. Rowe-Lewis. DISCUSSION: Ms. Horsley said she appreciates this solution from Mr. Mednick. Mr. Alston asked how this would be added in. Mr. Mednick said there'd still be a subsection "f" that will include they have the "power to effectuate the provisions of 7-1 G (1).

A vote was taken and it passed unanimously.

LCR#11: Mr. Mednick said here the LC asked the commission to reexamine the post meeting comment and they did in the event the Board or Commission had new business added. He said Ms. Bonadies wanted it expanded but he thought about it and you can't change the language.

Ms. Schomaker requested a motion to take LCR#11 off the table. Moved by Ms. Baez, seconded by Ms. Rowe-Lewis.

Ms. Schomaker then requested a motion to consider LCR#11. Moved by Mr. Alston, seconded by Ms. Rowe-Lewis. DISCUSSION: Ms. Bonadies clarified the current provision is on new material information and Mr. Mednick said yes. He said if the motions are withdrawn it'll refer to the CRC document. Mr. Alston and Ms. Rowe-Lewis both withdrew their motions.

Mr. Mednick said the next issue was LCR#13 - 7-1 F (1) the section that was said to have harsh language and to soften it. Ms. Bonadies said they still need a gate keeper for removal so who is going to do that. She said residency is disingenuous and hypocritical to her. Mr. Mednick said 3-10 establishes a standard for the action where the Mayor would bring the action forward to the LC. He said only 2 commissions are subject to this and only until the ordinance is adopted and then it will be geographic. He said this is a very limited basis provision. Mr. Macdowall said he thinks this is similar to voting requirements and thinks the honoree system has worked fine.

There was discussion on party affiliations of the CRC members.

Ms. Schomaker stated she is suggesting they consider the revised language sent by the CRC. Mr. Mednick read the language out loud. He then said if you reject the language it converts to the old. Ms. Wetmore asked if they could delete provisions. Mr. Mednick said yes, in the final report.

Ms. Schomaker requested a motion for this item. **Ms. Bonadies moved a motion** to reject it, seconded by Mr. Cesare. DISCUSSION: Mr. Mednick stated if it's rejected it changes back to the old harsher language. Ms. Bonadies said yes. Mr. Mednick asked both sections or just for districts? Ms. Bonadies said both, you move out of your space you got to be terminated.

A roll call vote was taken on the motion to reject the softer language and revert to the harsher language and it failed with 4 in favor (Bonadies) (Cesare) (Rowe-Lewis) (Wetmore) – 6 opposed (Alston) (Baez) (Horsley) (Macdowall) (Schomaker) (Webber) and 1 abstention (Clouse) LCR#23 Budget Liaison. Ms. Schomaker asked if there were any outstanding issues here. No one had any and they considered it resolved.

LCR#25 lapse of Capital Funds. Mr. Mednick said 5 years was suggested and the CRC modifies it to 5. With no other issues this too was considered resolved.

LCR#28 Department of Education. Mr. Mednick said the CRC did not act on this and that it was brought up by Council. Ms. Bonadies offered a definition of curriculum and read from something out loud. She then said she'd like to offer an update from last night's BOE meeting saying that Mr. Melillo said the BOE is working on it and will be putting curriculum on their website.

Ms. Horsley moved to discuss "for cause" (LCR#22), seconded by Ms. Bonadies. Ms. Horsley said she wants to understand their actions tonight after the CRC took no action. Mr. Mednick said since they took no action there's really nothing you can do to this provision, it's a current provision of the Charter. Ms. Horsley withdrew her motion. Ms. Bonadies said she isn't withdrawing hers, she wants to talk about it. Mr. Mednick said there's no action you can take but you can talk about it all you want.

Ms. Bonadies said she wanted to express her displeasure. She said they tried to professional the Town government yet the CRC chose to be political and serve only the Mayor. She said the department she is talking about is Public Works and thinks they are a first responder with a department head that does a great job and is always there and she thinks that department should be looked at and changed saying they did a huge disservice to the department heads and Town government.

Ms. Wetmore said she agrees with Ms. Bonadies. Public Works is important and we had directors that were not as good as Mr. Cesare and she doesn't understand why people wouldn't go along with this.

Mr. Mednick said they had the Police Commission left. Ms. Schomaker asked what the issues were. Mr. Mednick said he didn't flag it. He then went over what the CRC did here.

There were no more flagged items. Mr. Mednick then went over all the "Be it Further resolved" with the resolution reflected on the screen. Ms. Schomaker asked if someone would move a motion regarding this resolution.

Ms. Horsley moved to approve this resolution with the addition of rejected provisions from earlier tonight. The motion was seconded by Mr. Alston.

Ms. Horsley thanked the Charter Revision Commission for their work on this. Ms. Rowe-Lewis also thanked them for their work on this. Ms. Schomaker thanked them as well for their work and great conversations. She also thanked Attorney's Mednick and Gruen.

A roll call vote was then taken and it failed with 5 in favor (Alston) (Baez) (Clouse) (Macdowall) (Webber) – 6 opposed (Bonadies) (Cesare) (Horsley) (Rowe-Lewis) (Schomaker) (Wetmore) and 3 absent (Dolan) (Farmer) (Gary)

There being no further business Ms. Schomaker requested a motion to adjourn. Moved by Ms. Bonadies, seconded by Ms. Rowe-Lewis and adjourned at 9:10 P.M. with 3 opposed (Baez) (Rowe-Lewis) (Macdowall)

Respectfully submitted,

Kim Renta
Clerk of the Council

HAMDEN CHARTER REVISION COMMISSION

RESPONSE TO LEGISLATIVE COUNCIL RECOMMENDATIONS:
FINAL REPORT - JULY 28, 2021

PRESENTATION BEFORE THE LEGISLATIVE COUNCIL – AUGUST 2, 2021



HAMDEN CHARTER REVISION COMMISSION 2020 -2021

Frank Dixon
Chair

Jackie Downing
Vice Chair

Lamond Battle
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Tiffany Artis-Wilson

Todd Berton

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Sarah Gallagher

Marnie Hebron

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Jay Kaye

Frank LaDore

Todd Moler

Nancy Olson

Joshua Sprague-Oliveira

Steven G. Mednick
Counsel



WHERE ARE WE IN THE PROCESS?

- The Commission has now acted upon the Council Recommendations permitted under C.G.S. §7-191(c).
- The Final Step of the Legislative Process [C.G.S. §7-191(d)] requires action on the CRC's Final Report by the Legislative Council, as the appointing authority no later than August 13th ["not later than fifteen days after receiving the final report" which was Thursday, July 29th.]
- Action is determined by eight (8) votes: "by a majority vote of its entire membership."
- The Council has the discretion to (1) approve the proposed charter amendments; or (2) reject the same or separate provisions thereof.
- Not later than thirty (30) days after approval the Charter amendments must be published in a "newspaper having general circulation in the municipality."
- The ballot question or questions will be prepared by Counsel to the council and voted upon by the Council at the next meeting following approval [C.G.S. §7-191(f)].
- The electors decide on November 2nd (in accordance with the original resolutions of the Legislative Council).

RESOLUTION OF THE HAMDEN LEGISLATIVE COUNCIL RECOMMENDATIONS

- On July 13th the Hamden Legislative Council, acting in accordance with Sec. 7-191(c) of the Connecticut General Statutes, made recommendations to the Charter Revision Commission for consideration in the promulgation of the Final Report.
- The Charter Commission conducted a statutory conference with the Legislative Council on July 14th and had meeting on July 17, 20, 22, 26, 27 and 28 in order to give full consideration to each of the twenty-eight items contained in the resolution.
- The deliberations and actions taken by the Commission as contained in version 10 of the Draft Charter, dated 28 July 2021, constitute the Final Report of the Charter Revision Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: I (“LCR”)

- **LCR #1: Chapter I, Section 1-3: Time of Appointments and Meetings Generally.** Delete the following sentence: “Any meeting required by this Charter to be held on a certain Day shall be deemed, for all purposes, to be a regular meeting.”
Approved by the Commission.
- **LCR #2: Chapter III, Section 3-4: Eligibility.** The eligibility standard for residency should apply equally to “at-large” as well as “district” appointments.
Approved by the Commission.
- **LCR #3: Chapter V, Section 5-2.D(1): Submission of Quarterly Reports to Council.** The quarters should be defined and commence on July 1st and each quarter thereafter.
Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: II

- **LCR #4: Chapter V, Section 5-5: Chief Operating Officer.** COO should be eliminated and replaced by the Chief of Staff position in the Charter with a delineation of responsibilities.

Approved by the Commission. As requested, the Commission eliminated the Chief Operating Officer and codified the position of Chief of Staff as a Mayoral appointment subject to approval by the Legislative Council. There are professional qualifications that are more flexible than contained in the May 25th Report as well as broad powers and duties, subject to the authority of the Mayor.

- **LCR #5: Chapter VII, Section 7-1.B(1)(a) and (b); Sections 7-1.F and G(2) and Sections 7-2.D(3) [Police Commission], 7-2.J(2) [Library Board] and 7-2.L(4)[DEI Commission].** Eliminate the utilization of representation by Legislative Council Districts and utilize the term “geographic representation and diversity” to be monitored by the Diversity, Equity and Inclusion Commission.

Approved by the Commission. The Commission agreed to eliminate the general standard for creating Boards and Commission on the basis of Legislative Council Districts as requested by the Legislative Council. However, the Proposed Charter requires initial appointments to the Police Commission, the Library Board and the DEI Commission on the basis of Legislative Council Districts, to be modified by the concept of “geographic diversity” as defined by the DEI Commission and subsequently incorporated into an Ordinance by the Legislative Council. Subsequent appointments to those three Commission would be on the basis of the definition of “geographic diversity” as defined by Ordinance

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: III

- **LCR #6: Chapter VII, Section 7-1.B(4).** This provision should not apply in the event the Commission fails to obtain a quorum.
Approved by the Commission.
- **LCR #7: Chapter VII, Section 7-1.B(4).** The 24 notice standard should apply "...unless otherwise required by Law".
Approved by the Commission.
- **LCR #8: Chapter VII, Section 7-1.B(5).** The Town Clerk should replace the COO with respect to the assignment of clerks to boards and commissions.
Approved by the Commission.
- **LCR #9: Chapter VII, Section 7-1.B(6).** Add the term "...in accordance with law" at the end of the first sentence.
Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: IV

- **LCR #10: Chapter VII, Section 7-1.B(7)(a).** The Town Clerk should replace the COO as the party “responsible for assigning the appropriate communications capacity to the Boards and Commissions for the purpose of receiving information from the public”. The Charter Commission should make it clear that the issue is not the form of communication but rather, the facilitation of platforms and standards that permit uniform public access to convey information to Boards and Commissions.
Approved by the Commission.
- **LCR #11: Chapter VII, Section 7-1.B(7)(b).** The Charter Commission should reexamine the post-meeting public comment.
Approved by the Commission. The Commission devised a provision that permits public comment, prior to action by a Board or Commission in the event new, material information is present following the initial public comment session, at the discretion of the Chair.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: V

- **LCR #12: Chapter VII, Section 7-1.C(4): Term Limits.** (A) The Charter Commission should re-examine the provision regarding term limits taking into account the Legislative Council discussion; and, (B) **Errata:** Eliminate Transition Language re – non-voting status since it was not approved by the Charter Commission; however, the Commission should not adopt a provision that does not comply with Minority Party Representation and other requirements of the Charter.
Approved by the Commission: Term Limit is Removed (Errata – N/A).
- **LCR #13: Chapter VII, Section 7-1.F(1).** Delete the term “such person’s membership on such Board or Commission shall be immediately terminated” and replace with “such person shall immediately resign from such Board or Commission. Failure to resign shall be grounds for removal under §3-10.D of this Charter.”
Approved by the Commission.
- **LCR #14: Chapter VII, Section 7-2.A(1)(c).** The role of the Finance Commission in collective bargaining should be at the discretion of the Mayor and Board of Education, in accordance with Law and any agreements governing the collective bargaining process.
Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: VI

- **LCR #15: Chapter VII, Section 7-2.A(1)(e).** Long term planning should take “capital” planning into account and the reporting requirement should cover a period of five years.

Approved by the Commission.

- **LCR #16: Chapter VII, Section 7-2.D: The Police Commission.** The Charter Commission should streamline the language in this provision to facilitate clarity and understanding; including the relationship between the Commission and the Chief of Police as well as other boards, commissions and outside citizen and neighborhood organizations; and to make it clear that the Policy Commission is vested with the authority to create policy for the Police department and to receive input.

Approved by the Commission. This provision has been modified and consolidated to streamline the language in the body of the Charter with explanatory text placed in the footnotes as “2021 Charter Revision Commission Commentary” in order to assist with interpretation and implementation. Moreover, this provision is clear that the Commission does not have authority to manage the “day-to-day operations” of the department. That is the job of the Chief and that current Charter is silent on that standard.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: VII

- **LCR #17: Chapter VII, Section 7-2.D(2)(c)(ii).** The Charter Commission should replace language referring to “electronic access” and dedicated email addresses and establish a clear standard for direct public communication with the Commission, as required by §7-1.B(7)(a) of the Charter.
Approved by the Commission.
- **LCR #18: Chapter VII, Section 7-2.D(2)(f).** Labor Counsel recommends the following language: “**Submit to the Mayor, a review and comment on the contents of collective bargaining agreement in order to effectuate the alignment of such agreement with the public service requirements of the Town as well as the best practices of a Department in diversity, recruitment, promotion, training, community interaction and operations as well as other areas as may be set forth by Ordinance, provided; however, that such review and comments are for consideration only and shall not be deemed a directive to the Mayor or the Town’s negotiating committee.**”
Approved by the Commission.
- **LCR # 19: Chapter VII, Section 7-2.D(2)(j).** The Charter Commission should remove the “dedicated funding” provision and require a budget line item to be funded as part of the annual budget request. As a result, the errata request is moot.
Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: VIII

- **LCR #20: Chapter VII. Section 7-2.L. The Diversity, Equity and Inclusion Commission – Establishment:**
The Charter Commission should replace the specific delineation of “protected classes” with a reference to applicable federal and state laws as may be amended, that establish such protected classes and include the delineation in a footnote in order to memorialize those classes that existed at the time the Charter is adopted.
Rejected by the Commission. The Commission retained the delineation of “protected classes.”
- **LCR #21: Chapter VII. Section 7-2.L(3)(f). The Diversity, Equity and Inclusion Commission – Role of Commission – Monitoring Diversity and Geographic Representation on Boards and Commission:** (1) The Charter Commission should consider adding language that authorizes the DEI Commission to provide the Mayor and Legislative Council with recommendations pertaining to the diversity of members on Boards and Commission to ensure compliance with §7-1.G of the Charter at the time of appointment; and (2) The Charter Commission should consider adding language that authorizes the DEI Commission to provide an annual report to the Mayor and Legislative Council regarding the composition and diversity of Board and Commissions, commencing on January 1, 2023.
Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: IX

- **LCR #22: Chapter VIII, Section 8-2.B.** Department Heads shall be removed “for cause” in all cases.
Rejected by the Commission.
- **LCR #23: Chapter X, Section 10-1.B:The Budget Liaison.** The Budget Liaison should be removed; and the Charter Commission should consider allocating said such duties as necessary to the Finance Department.
Approved by the Commission.
- **LCR #24: Chapter X, Section 10-3.G: Public Inspection.** The public should have the ability to inspect the budget on whatever platform or technology will ensure direct access at all times
Approved by the Commission.
- **LCR #25: Chapter X, Section 10-5.A(3)(b). Lapse of Capital Funds.** The lapse of capital funds should occur at “five years” rather than “three” years.
Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: X

- **LCR #26: Generally. See, Chapter I, Section I-4.R and W. Definition of “Meeting (or Hearing) Notice” and “Public Notice”.**
 - Add the following verbiage to Section I-4.R: “...and as may be established by Ordinance or rules of the Legislative Council or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes.”
 - Add the following verbiage to Section I-4.W:“...in the event the requirement of the Charter is more stringent than the requirements of the General Statutes
 - See also, (1) Section 3-7.D(2)(“First Reapportionment Commission”); (2) Section 3-10.C (“Notice for Removal of Elected and Appointed Officials”); (3) Section 4-8.A (“Public Notice of Final Action” Pertaining to Ordinances and Statutory Resolutions); (4) Section 4-11 (“Approval of Mayoral Appointments); (5) Section 5-4.A(2) “Notice” for adoption of emergency powers); (6) Section 5-4.D (“Emergency Meetings of the Legislative Council”); (7) Section 5-5.E(1) and (5) (“Public Emergency and Notice requirements” and “Effective Date” for the Adoption of public emergency ordinances, orders and measures by the Legislative Council); (8) Section 7-1.B(4)“Notice” of meeting of board or commission); (9) Section 7-1.B(7)(b)(ii)(“Adding Items at regular Meeting Agendas: Public Comments”); (10) Section 7-1.K(3) (Public Notice of “Publication of Boards and Commissions:Applicant Pool”); (11) Section 8-4..E(1) (“Equal employment Opportunity”); (12) Section 10-3.G (“Public Inspection”); (13) Section 10-4.A(5) (“Public Inspection”); and, (14) Section 10-6.D and E (“Effective Date of Town Budget Ordinance” and related “Public Notice”).

Approved by the Commission.

REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: XI

- **LCR #27: Generally. See, Chapter III, Section 3-10.D(2) and (3) and Chapter VII, Section 7-1.E(3) and (4):** The Charter Commission should consider adding the following language following consultation with the Town Attorney “while in office”.
Approved by the Commission.
- **LCR #28: Chapter X – Department of Education:** The Charter Commission should consider whether the legal authority exists and, if so, develop language requiring transparency at the Board of Education by publishing and making the Board of Education-approved curriculum available to the public on whatever platform or technology will ensure direct access at all times
Rejected by the Commission.

HIGHLIGHTS OF THE FINAL REPORT: PUBLIC AND BUDGET ACCOUNTABILITY

- **Alignment of General Fund and Capital Budgets (Chapter X):** Budget Reform, including enhanced disclosure requirements pertaining to long-term expenditures, comparative data, contract driven expenditures, the accuracy of revenue projections.
- **Creation of a Finance Commission (Chapter VII):** Mayoral budget accountability, oversight, support for exercise of the budget role by the Legislative Council; best practices; long-term strategic planning, monthly reporting, pension and collective bargaining impact review (3 members appointed by Legislative Council; 2 by Mayor)
- **The Public Interest and the role of Boards and Commissions (Chapter VII):** The proposed Charter establishes a “public interest” standard for board and commission members, thereby planting firm foundation for accountability to the public.
 - Requirements regarding frequency of meetings, public access, comment and interaction to enhance public participation during meetings.
 - A new paradigm for the notion that boards and commission should reflect the broad diversity of people and neighborhoods of the Town. The expansion of the Police Commission and Library Board to nine (9) members and creation of a Diversity, Equity and Inclusion (“DEI”) Commission reflect the belief that all neighborhoods should be represented on boards and commissions.
 - The DEI and Police Commissions, with the thoughtful amendments of the Legislative Council, will play a major role in this effort as well as the general objective of equitable policies and procedures reflecting the values, 21st century best practices and the best interests of all the people of Hamden.
 - Many procedural reforms, including the appointment process in order to eliminate the current level of vacancies on boards and commissions.

HOW DID WE GET FROM HERE TO THERE? THE EARLY MEETINGS AND HEARINGS

On September 9, 2020, a politically diverse and balanced Commission, comprised of 7 Republicans, 6 Democrats and 2 unaffiliated voters, met for the first of forty-six meetings which ran through July 28, 2021 (by which time one of the Republicans became an unaffiliated voter). There were thirty-nine meetings in the first phase of Charter revision from September 2020 through May 2021.

- **September 9, 2020:** Overview of the law of Home Rule and Municipal Charters.
- **September 30, 2020:** Public Hearing: covering a range of issues (discussed, below) and initial red-line session reviewing the Charter sequentially by chapter.
- **October 14, 2020:** Continued due diligence on issue development with President McGarry, the Town Attorney and other members of the Legislative Council and continued work on the red-line process.
- **October 28, November 10 and November 24, 2020:** The Commission engaged in a sequential review of the public comment grid prepared by Counsel in order to establish the priorities for review by the CRC.

HOW DID WE GET FROM HERE TO THERE?

WHAT WE HEARD AT THE FIRST PUBLIC HEARING: PART I

- **Chapter I:** IT infrastructure, website access, email correspondence and public participation in remote or hybrid public meetings.
- **Chapter II:** Is Hamden a “town” or a “City”?
- **Chapter III:** Eliminate elected Town Clerk and continue as a classified employee; four year term of Mayor; districts for Board of Education; enhanced minority party representation; a role of the respective Town Committees to play in the filling of vacancies; nonpartisan election for Legislative Council; eliminate at-large members and replace with districts (single member or multi-member).
- **Chapter IV:** Enhance public comment opportunities; include a parallel general fund and capital budget process; standards regarding the posting of agendas; increased legislative oversight; financial updates to Legislative Council by Finance Director.

HOW DID WE GET FROM HERE TO THERE?

WHAT WE HEARD AT THE FIRST PUBLIC HEARING: PART II

- **Chapter V:** Professional Town Management: Town Manager/Council v. Mayor/Council form of government; Long Term Planning and Sustain Strategic Planning; Fiduciary responsibilities and incentives; establish the office of Chief Administrative Officer or Chief Operating Officer; Finance director should be a civil service position.
- **Chapter VI:** Move Town Clerk from elected to appointed officials.
- **Chapter VII:** Transparency; mandate regular meetings and attendance requirements for boards and commission; Email addresses for boards and commissions; regular public comment and input session; term limits on service; vacancy issues (assuring that positions are filled); expansion of library commission; additional members for Civil Services Commission; add an alternate to Inland Wetlands Commission; fix the dual appointment provision; Police Commission reform; or restructuring (similar treatment of Fire Commission); creation of Civilian Review Board; staggered terms for Police and Fire Commissions.

HOW DID WE GET FROM HERE TO THERE?

WHAT WE HEARD AT THE FIRST PUBLIC HEARING: PART III

- **Chapter VIII:** Contracts for municipal employees; improve reporting requirements of department head; required professional certifications for department heads (**Note:** The issue of “term and contract” for Department Heads was not raised at the initial public hearing and was not raised until 2/2/2021 in public comment. No CRC member advanced the issue thereafter, until the issue of “cause” was raised by a Commissioner in May, 2021 shortly before the Preliminary Report went to Final Public Hearing and the Legislative Council for review.).
- **Chapter IX:** No Board of Education issues were raised at the initial public hearing (**Note:** In December 2020 an issue was raised regarding the issue of hiring of custodians and other non-certified employees. The issue of “curriculum disclosure” and critical race theory was raised by, at least one Commissioner, during discussion of the DEI Commission; however, while he advanced the cause and sent around ideas to the CRC and Counsel, he never advanced a written amendment or motion. In fact, it was Commission Counsel who requested, with permission of the Chair, placed the issue on the May 25, 2021 agenda to give the Commissioner one more opportunity. It should be further noted that the Commissioner dropped one proposal and failed to object when the meeting moved on to the next agenda item. The issue of critical race theory (which appeared to be the common link between the two proposals) was, broached by another Commissioner on July 27, 2021 as pertinent to LCR #28).
- **Chapter X:** Make sure capital budget is considered with general fund budget; a number of comments about austerity measures, Planning and Sustain Strategic Planning; Fiduciary responsibilities and incentives; establish the office of Chief Administrative Officer or Chief Operating Officer; Finance director should be a civil service position.

HOW DID WE GET FROM HERE TO THERE? THE WORK COMMENCES: AN ITERATIVE PROCESS

A Charter Revision process is iterative by nature. You start with a long “wish-list” from the public and, then, move to prioritize to make certain you tackle as many of the procedural and constitutional issues that belong in a charter as possible. As you will see by reviewing this brief chronology, the Commission diligently planned its agenda. In fact, in this first phase the Commission was extremely productive and purposeful. **One procedural note:** At the beginning of each meeting the CRC reviewed the redline version of any items that were drafted or agreed-upon at the prior meeting in order to advance the agenda. At the end of each meeting the CRC discussed the upcoming schedule of events so that members could plan accordingly. In other words, every Commissioner saw every word that was drafted in real time. This and the following pages document the CRC deliberations:

- **December 9, 2020:** The Commission reviewed a number of issues: recall and a prohibition on service by municipal employees on the Legislative Council were dismissed because of statutory and case-law-based decisions. The Town Attorney and Counsel to the Commission walked the Commission through a number of issues (1) reapportionment; ethics, emergency powers and contracts without fiscal impact. At this meeting the Commission also review the first of many Background Documents” on “Ethics” (“Background Document #1”).
- **December 22, 2020 and January 6, 2021:** The Commission further delved into the Ethics, Emergency Powers (“Background Document #2), a fix to the reapportionment provisions (“Background Document #3), contracts with no fiscal impact and an early review of board and commission diversity and member qualifications. The Commission review initial language fixed on the ethics, emergency powers (“Action Item #2) and reapportionment (“Action Item #3) at the January 6th meeting at which time the Town Attorney withdrew her request regarding “contracts without fiscal impact” (“Background Document #4).

HOW DID WE GET FROM HERE TO THERE? THE COMMISSION TACKLES THE BUDGET PROCESS

With backdrop of a Town facing serious financial issues as its context, the logical starting point for tackling major issues was the budget and finance issues of the Town. The issue was significant enough that the meeting on January 20th was held in conjunction with the Fiscal Stability Committee.

- **January 20, 2021:** The Commission adopted a minor revision of the conflict of interest and ethics provision (“Action Item #1”) and a revision of the disclosure requirements of 5-2.D(1), with a definition of what a contract was (“Action Item #4”). The Commission also held its first panel of experts on budget and financial provisions of the Charter (“Background Document #5”). The panel included a former Town Manager of Cheshire and Controller of New Haven, the finance Director of Darien who was also a member of the GFO Budget Committee; the President of the Waterbury Board of Alders who served as a Charter Chair and the Chair of the Samford Board of Finance.
- **February 3, 6, 7 + 23 and March 3, 11 +20, 2021:** The Commission continued its dialogue on the budget starting with Public Comment on the Budget Process and a meeting with Hamden finance officials, the Council President and Chair of the Fiscal Stability Committee. The Commission also reviewed three background documents: (1) “Governing Entities and the Budget;” (2) “Budget Submission Content”; and (3) “Budget Processes in Various Municipal Charters.” At the meeting on the 23rd the initial budget revisions were agreed upon and continued actions were taken on March 3rd, 11th and 20th, including discussion on the Finance Commission, the general and capital budget process and budget liaison (“Action Item #5”).

HOW DID WE GET FROM HERE TO THERE? GOVERNANCE ISSUES

- **February 23, March 2, 3 + 11 2021:** The Commission heard from two panels of experts on governance issues. (“Background Document #6”). The first panel (2/23) included the Executive Director of the Connecticut Conference of Municipalities, the Chair of the Hartford Charter Commission which moved the City from the City Manager to Mayor/Council form of Government) and the last First Selectman of Clinton, which moved from a Board of Selectmen to Town Manager form of government. The second panel (3/2) consisted of the Managers of Coventry, Meriden and West Hartford and Mayors or former Mayors of Bristol, New Haven and Stratford and the Town Administrator of Darien. Public comment on governance and initial discussions took place on March 3rd. Action Item #6 was considered with regard to the form of government the Commission wanted to pursue.
- **March 20 + 31, 2021:** In addition to a continuing discussion on the budget the Commission further reviewed the Chief Operations Officer/Town Administrator (“Background Document #7”), term limits (**Note:** There is no legal basis for “term limits for elected officials” in Connecticut) as well as the four year term for Mayor and the term of office for Legislative Council (“Background Document #9”).

HOW DID WE GET FROM HERE TO THERE? BOARDS AND COMMISSIONS

Boards and Commissions are a major vehicle for any civic culture. They provide a gateway for spreading the wealth of public talent and are a beachhead for citizen interaction and influence. Public participation and understanding was a key issue for the Commission. In order to work on this issue we created a Subcommittee on Boards and Commissions chaired by Commissioner LaDore.

- **April 6, 2021:** The Commission considered (1) general issues such as, (a) frequency of meetings, (b) appointment of committee clerks, (c) record-keeping and electronic inspection as well as (d) public access, comment in interaction; and, (2) specific issues such as, (a) limitations on appointment authority (leading to a major change in the charter), (b) term limits for board and commission members to permit turnover, (c) frequent publication of board and commission openings to facilitate recruitment of citizens, (d) expansion of the Library Board, (e) appointment of alternate position on the Civil Service and Inland Wetlands Commission;, (f) creation of a Diversity, Equity and Inclusion Commission (supported by the Subcommittee), (g) statutory restrictions on Civil Service Commissioners and (h) diversity for Board and Commission members (“Action Item #7” and “Background Document #8”)
- **April 12 + 28, and May 6 + 8, 2021:** The Commission, continued a dialogue on the DEI Commission as well as Commission diversity specifically pertaining to Minority Party Representation and districts or geographic representation (**Note:** Minority Party Representation is protected by state law and at no time could (or did) the Commission, consider, entertain or discuss any dilution). Additional debate and language was discussed, including composition, on the 28th with final actions on May 6th and 8th.

HOW DID WE GET FROM HERE TO THERE? THE POLICE COMMISSION

The Police Commission was an issue initiated by former Council President McGarry on the basis of resolutions of the Legislative Council in May and June 2019.

- **April 14, 17, 24, + 28 and May 1, 4, 6 + 8, 2021:** The Commission commenced (4/14) the process with a panel of experts on the role and responsibility of the Police Commission – Impact of Collective Bargaining Agreements and Civilian Review comprised of the President of the Legislative Council, the Municipal Representative of the Police Standards and Training Council (also First Selectman of North Haven), the Law and Policy Director and the executive Director of the Justice Collaboratory at the Yale Law School, the Executive Director of the City Wide Youth Coalition and National Campaign Strategist of the American Civil Liberties Union. (“Background Document #10”) Initial discussion on the Police and Fire Commission as well as Civilian Review continued on the 17th, 24th and 28th of April. (“Action Item #8”). . The Commission discussed language on Action Item #8 with Chief Sullivan and Chair Iezzi on the 1st of May. The Commission heard from New Haven Police Commission Chair Evalise Ribeiro and from the Public on May 4th with final debate and discussion on May 6th and 8th.
- **Procedural Note:** At the meeting on the 24th of April the Commission discussed the Preamble (which was also discussed on the 28th of April and acted upon on May 6th and 8th)(“Action Item #9”) and Town Clerk proposals. There was also a discussion on a time-frame for completion and how to address any additional issues.

HOW DID WE GET FROM HERE TO THERE?

THE FINAL STEPS I

- **May 12, 2021:** The Commission took final actions on Boards and Commissions (1) Library Board; (2) Transition provision on the Limitation of service of board and commission members; (3) geographic areas of the boards and commission; (4) modifications of the outreach provisions; and (5) the addition of “justice impacted individuals”. With respect to the Police Commission there were editorial revisions and an agreement on the budget earmark language. There was final action on the Preamble as well. Final discussions were held on the town arborist, modification of the Town Clerk from elected to appointed, definition review and other minor changes to the body. The Commission took action on the version of the Charter that would be presented to the public at the Public Hearing.
- **May 16, 2021:** The second statutory Public Hearing.

HOW DID WE GET FROM HERE TO THERE?

THE FINAL STEPS II

- **May 25, 2021:** Final Action and approval of the draft proposed Charter after consideration of the following issue: Action Item #10 – Preamble discussion re - (i) historical references; and (ii) addition of transparency and accountability; Action Item #11 – Dealing with the issue of mandatory language “shall” or “require.”; Action Item #12 – Can electors vote for up to six at-large candidates?; Action Item #13 – (i) Public Comment required at all Board and Commission meetings; (ii) Comment on Agenda Items; (iii) Comment on Matters of general interest; (iv) Executive session and other legal or regulatory proceedings; (v) post-action public comment sessions; Action Item #14 – Clarification of grandfather of term limited Board and Commission members.; Action Item #15 – Monitoring Boards and Commissions; Action Item #16 – The issue of traffic expertise; Action Item #17 – Use of the word “ensure” versus “promote” or “advance”; Action Item #18 - Questions regarding commission training issues (discussed and dropped by sponsor) and curriculum review (passed by and not raised by the sponsor); Action Item #19 – Appointment and removal of Department Heads (discussed and dropped by the sponsor); Action Item #20 – Board of Education compliance; Action Item #21 – Final Public Hearing on the Budget; Action Item #22 - Remaining editorial recommendations.

Note: Action Item ## 18 and 19 were two issues raised late in the process that had not been discussed or addressed by the Commission. At and following the meeting on May 12th Commission Counsel included said items on the record for the public hearing so that the public would be aware that these issues were outstanding and may be considered by the Commission. First, there was a request by Commissioner LaDore for consideration of a “for cause” standard in the Charter provisions pertaining to the removal of Department Heads, an issue that was raised peripherally by the citizen in February; yet, not advanced by any member of the CRC. Due to the lateness of his proposal neither the CRC nor counsel conducted any due diligence on the subject. Second there were two items raised by Commissioner Cohen: (1) commission training issues; and (2) curriculum review. It should be note that the “training” issue had been raised by Commissioner Cohen during the discussions on the DEI Commission, both in the Subcommittee; proceedings chaired by Commissioner LaDore and before the entire CRC; however, each time a relevant item was before the CRC the Commissioner either deferred the item since amendments had never been prepared, or ready for action. During the May 2th meeting one issue was dropped and the sponsor did not object when the Chair moved to item #19.

HOW DID WE GET FROM HERE TO THERE? LEGISLATIVE COUNCIL WORKSHOPS AND DELIBERATION

The second phase of the Charter revision process takes place when the Commission sends the draft report to the legislative body/appointing authority. In the event the Legislative Council were to approve the report, the process would be at an end. In this case there were a number of sessions and 28 recommendations (discussed earlier) that were returned to the Charter Commission.

- **June 8, 2021:** Chair Dixon, Vice Chair Downing and Counsel Mednick present the Charter to the Legislative Council
- **June 16, 2021:** Legislative workshop on the Charter - Administration and Department Head testimony
- **June 23, 2021:** Public Hearing on Charter.
- **June 29, + 30, 2021:** Charter Revision Workshops
- **July 7, 2021:** Final Public Hearing and Charter Revision Workshop
- **July 8 + 12, 2021:** Charter Revision Workshops
- **July 13, 2021:** Action on the Proposed Charter: Resolution containing 28 Recommendations

HOW DID WE GET FROM HERE TO THERE? CRC CONSIDERS LEGISLATIVE COUNCIL RECOMMENDATIONS

The third phase of the Charter revision process takes place when the Commission considers and reviews the recommendations of the Legislative Council. At this point the Commission is limited to consideration of those items only and is prohibited from raising any new issues.

- **July 14, 2021:** The Commission and Legislative Council conducted the statutory conferral session where the legislative recommendations were presented to the CRC.
- **July 17, 20, 22, 26, 27 + 28, 2021:** The Commission debated and discussed the recommendations, including the issues of “for cause” termination of Mayoral appointed department heads (“Background Document #11”) and the elimination of the COO and replacement with a Chief of Staff (“Background Document #12”).
- **CRC Response:** The Commission approved 24 of 28 Legislative Council Recommendations, including rejection of some issues that were considered important: creation of a Chief Operating Officer, and a twelve consecutive year limit of service on Boards and Commissions.

HOW DID WE GET FROM HERE TO THERE?

THE FINAL ACT

The fourth phase of the Charter revision process is approval by the appointing authority.

- The proposed Charter passed in a final 8-7 vote. **Voting for Charter reform were:** Chair Dixon, Vice Chair Downing, Secretary Battle and Commissioners Artis-Wilson, Gallagher, Hebron, Kaye and Sprague Oliveira. **Voting against Charter reform were:** Commissioners Berton, Cohen, Figlar, Hul, LaDore, Moler and Olson.
- A review of the videos and minutes will demonstrate that this Charter revision process was civic action at its best: open, robust and inviting to all CRC members and to the public. The proposed revised Charter is a substantial and non-partisan document which addresses issues pertinent to the operation of Town government:
 - Public accessibility to government and the public interest that should be served by Boards and Commissions;
 - Diversity in government with the addition of neighborhood representation to other more routine diversity standards;
 - Fiscal accountability through the creation of a Finance Commission with a majority of members appointed by the Legislative Council;
 - Budget reform, including an alignment of the general and capital budget processes;
 - Equity and inclusion as promoted by the creation of the Diversity, Equity and Inclusion Commission, which benefitted from the addition of proposed amendments by Councilmembers Cesare and Horsley; and,
 - Accountability in Public Safety, by reinforcing the current substantial legal authority of the Police Commission with increased public participation, acknowledging 21st century police practices and, yet, recognizing the limitations imposed by current state law and collective bargaining agreements. There is also a mandatory training requirement for all Police Commissioners so that they understand the requirements of the job. This was an important initiative that came from the Legislative Council Resolution of May and June 2019 and was done with cooperation of the Chief, Chair of the Police Commission, the Town Attorney, consultation with Labor Counsel and Union counsel and with concern for work of the members of the department and the public.

RESOLUTION OF THE LEGISLATIVE COUNCIL

Re: Approval of the Final Report of the Hamden Charter Revision Commission

Presented by: _____

Dated: August 11, 2021

WHEREAS, on July 6, 2020 the Legislative Council, pursuant to C.G.S. §7-187, et seq. established a Charter Revision Commission in order to conduct a mandatory periodic review of the Charter of the Town of Hamden; and,

WHEREAS, on August 3, 2020, the Legislative Council pursuant to C.G.S. §7-190(a) appointed the following individuals to serve on the fifteen-member Commission: Frank Dixon, Jackie Downing, Lamont Battle, Tiffany Artis-Wilson, Todd Berton, Jeffrey Cohen, Thomas Figlar, Sarah Gallagher, Marnie Hebron, Myron Hul, Jay Kaye, Frank LaDore, Todd Moler, Nancy Olson and Joshua Sprague Oliveira; and,

WHEREAS, the Commission conducted (1) an organizational meeting on September 9, 2020; (2) its first statutory public hearing on September 30, 2020, as required by C.G.S. §7-191(a); (3) a meeting with President McGarry, Town Attorney Gruen and other town officials on October 14, 2020; (4) thirty-seven public meetings thereafter through May 12, 2021; and,

WHEREAS, the Commission conducted its second statutory hearing on May 16, 2021, as required by C.G.S. §7-191(a); and,

WHEREAS, on May 25, 2021 the Commission completed its deliberations and voted to send a draft Report, including a proposed revised Town Charter to the Legislative Council ("Report"); and,

WHEREAS, following said meeting the Commission transmitted said Report to the City Clerk, as required by C.G.S. §7-191(b), which documents were transmitted to the Legislative Council; and,

WHEREAS, the Legislative Council conducted charter revision workshops on June 8, 16, 29, 30, 2021 and, again, on July 8 and 12, 2021; and,

WHEREAS, the Legislative Council conducted two public hearings on June 23, 2021 including a final public hearing on July 7, 2021, in accordance with C.G.S. §7-191(b); and,

WHEREAS, on July 13, 2021, the Legislative Council deliberated and made twenty-eight recommendations for changes in the Report as permitted pursuant to C.G.S. §7-191(c); and,

WHEREAS, on July 14, 2021, the Charter Revision Commission conferred with members of the Legislative Council pertaining to said recommendations, in accordance with C.G.S. §7-191(c); and,

RESOLUTION OF THE LEGISLATIVE COUNCIL RE: FINAL CHARTER REVISION REPORT
Dated: August 11, 2021

WHEREAS, following final deliberations on July 27, 20, 22, 26 and 27, 2021, on July 28, 2021 the Charter Revision Commission approved a Final Report, acting in accordance with vast majority of the recommendations of said Council; and,

WHEREAS, the Charter Revision Commission (hereinafter, "Commission") submitted its Final Report to the Town Clerk on July 29, 2021; and

WHEREAS, the Legislative Council received said Final Report on July 29, 2021, in accordance with C.G.S. §7-191(d); and,

WHEREAS, the Legislative Council is required to act upon the Final Report not later than fifteen days after receiving the Final Report.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE TOWN OF HAMDEN: That the Council approves the Final Report of the Charter Revision Commission, with the exception of the rejection in part of the following provisions:

1. 
2. 
3. 

BE IT FURTHER RESOLVED: That the Legislative Council authorizes Commission Counsel and Town Attorney to continually review the document for errata and non-substantive editorial revisions

BE IT FURTHER RESOLVED, that pursuant to C.G.S. 9-369b(a) the Legislative Council authorizes the Town Clerk, subject to the approval of the Town Attorney to prepare an explanatory text specifying the intent and purpose of the Proposed Revised Charter that is the subject of the ballot question that will be voted upon on November 2, 2021;

BE IT FURTHER RESOLVED: that the Legislative Council will meet on Monday, August 16, 2021, at 7:00 PM to formulate and adopt question(s) for the referendum, bringing this proposed Charter document, including the revisions, to the electorate for consideration on the City's November 2, 2021 ballot.

Adopted by the Legislative Council at its meeting held on August __, 2021.