

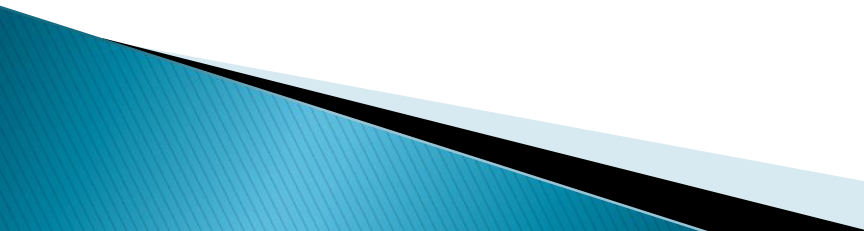
Hamden Charter Revision

2020-2021

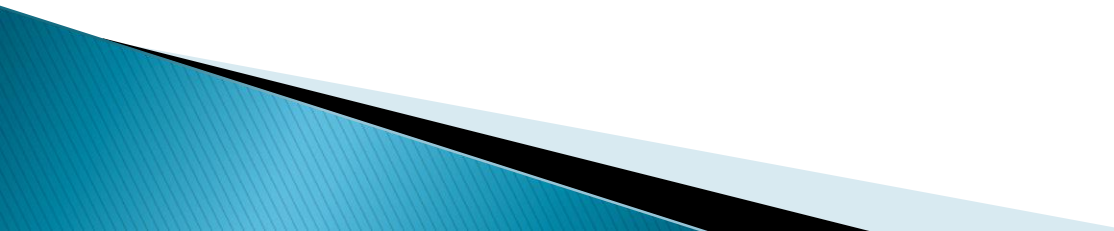
Presentation

Attorney Steven G. Mednick
9 September 2020

Purpose of the Home Rule Act

- ▶ To relieve the General Assembly of the burdensome task of handling and enacting special legislation of local municipal concern; and
 - ▶ To enable a municipality to draft and adopt a home rule charter “which shall constitute the organic law of the city, superseding its existing charter and any inconsistent special acts.”
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A Blueprint for Governance

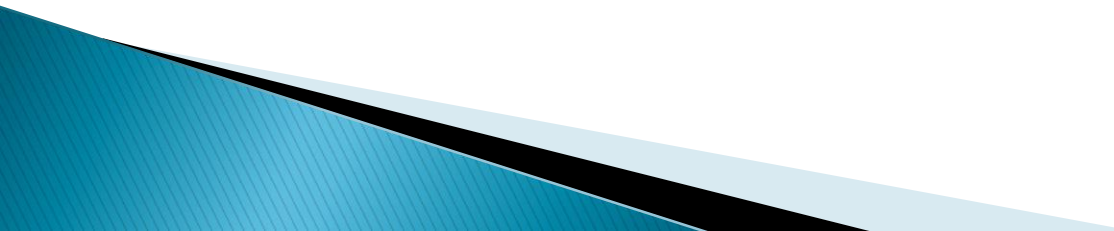
- ▶ Mayor, as Chief Executive Office, should be able to govern and manage the administration of the Town;
 - ▶ Legislative Council, as the legislative body, should be able to adopt ordinances, finance the government, oversee the Mayor and maintain accountability
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Goals of a Charter Revision Commission

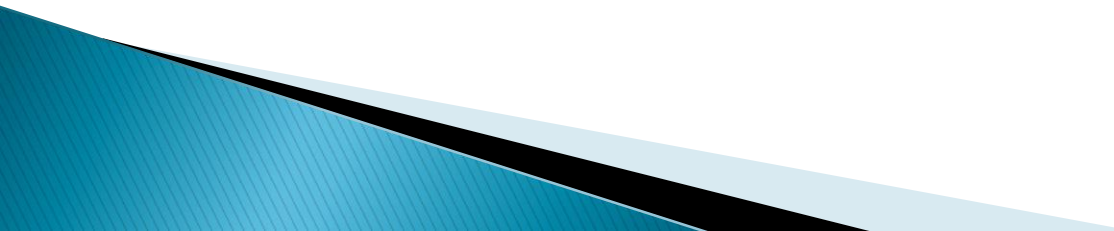
Review your Charter with an eye on:

- ▶ Clarity
 - ▶ Flexibility
 - ▶ Accountability
 - ▶ Avoid Culture of Disregard or Paralysis
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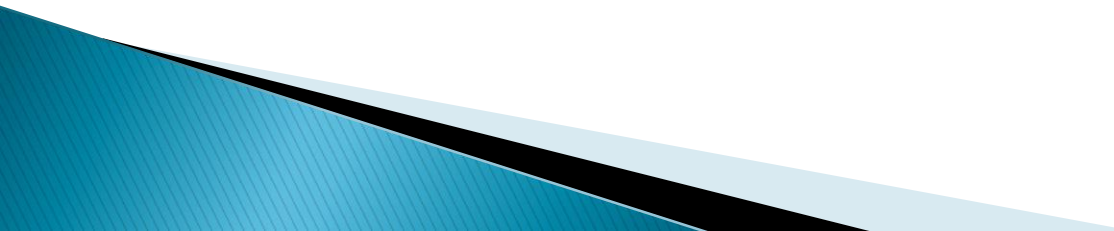
Scope of the Enterprise

- ▶ The periodic review mandated by the last charter revision commission
 - ▶ Statutory responsibility to “consider such changes and other items and matters as it deems desirable or necessary to improve the governance of the town”
 - ▶ Broad Scope
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How Do You Define Your Scope?

- ▶ Statutory Public Hearing
 - ▶ Meetings with Mayor, Legislative Council and other Local Officials
 - ▶ Start Small: “Red-Line” Exercises with Town Attorney and Commission Counsel
 - ▶ Understanding the Functions of Government
 - ▶ Micromanagement or Constitution?
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A Governing Document

- ▶ Tricky Assignment
 - ▶ Municipalities Have No Inherent/Implied Powers
 - ▶ State Constitution Article Tenth
 - ▶ Title 7 of the Connecticut General Statutes
 - ▶ Impact of Collective Bargaining Agreements
 - ▶ Charter versus Ordinances
 - ▶ MERA
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The Process

- ▶ Created by Legislative Council under two resolutions required by statutes [C.G.S. §7-188(b) and 7-190(a)].
- ▶ Not envisioned as a partisan activity: not more than one-third of whom may hold any other public office in the municipality; and, not more than a bare majority of whom shall be members of any one political party.
- ▶ Two Required Public Hearings: At the outset and at the conclusion [C.G.S. §7-191(a)].
- ▶ Work Plan.
- ▶ Submission to the Legislative Council: Public Hearing, within 45 days of receipt of Charter Report; and, action by Legislative Council within 15 days following public hearing and [C.G.S. §7-191(b)].
- ▶ If no changes the report is Final.
- ▶ If changes or questions, Charter Commission confers with Council and has 30 days to act [C.G.S. §7-191(c)].
- ▶ Final Action by Legislative Council within 15 days of receipt from Commission [C.G.S. §7-191(d)] and whether the referendum shall be in the General or Special Election [C.G.S. §7-191(e)]
- ▶ **One or several questions.** The common council may submit the proposed charter to the ballot in the form of one or several questions [C.G.S. §7-191(f)].
- ▶ **Submission of question to the secretary of the state.** The city needs to be mindful of the requirement to submit “questions” to the office of the secretary of the state more than 60 days prior to the election[C.G.S. §9-370].
- ▶ **Approval at referendum.** If the proposed charter is approved by a majority of the electors who participated in the general election the charter would be effective thirty (30) days thereafter, unless an EFFECTIVE DATE IS SPECIFIED WITHIN THE DOCUMENT [C.G.S. §7-191(f)].

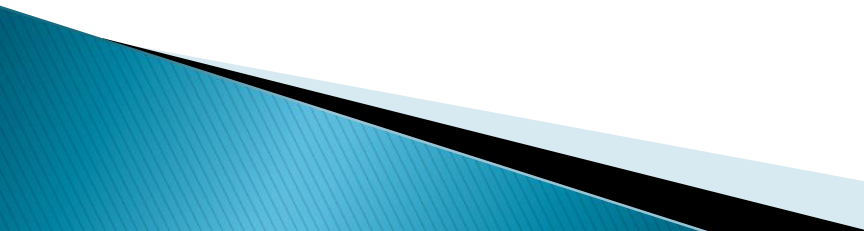
Work Plan: September 2020 – April 2021

- ▶ **Organizational Meeting of Commission**
- ▶ **1st Statutory Public Hearing.**
- ▶ **Working Meetings of Commission.**
 - Mayor, Council leadership and members, other public officials, and citizens participate in early overview sessions.
 - Commission engages in review, analysis and “red-line” of charter provisions.
 - Subsequent meetings would address substantial issues raised by the public and public officials and involve extensive dialogue and review based upon the specific needs of Hartford and the experiences of other similarly situated municipalities.

Work Plan: May – June 2021

- ▶ Commission prepares draft recommendations for 2nd Public Hearing and final review of recommendations following hearing (last week of 5/11/21).
- ▶ Commission Submits Recommendations to City Clerk (approximately 5/19/21).
- ▶ Recommendations Appear on Council Agenda (approximately 5/24/21).
- ▶ Council Review (5/24 – 6/23/21).
- ▶ Council Public Hearing (6/24/21 – within 45 days of submission to City Clerk).
- ▶ Council Action on Recommendation (6/28/21 – within 15 days of Public Hearing).
 - If approved, this would constitute the final action of the Council with the exception of the approval of questions for the ballot.
 - If not approved, the Recommendations as modified by the Council are returned to the Commission.
- ▶ Council Modifications returned to the Commission (6/27/21).
- ▶ Commission Reviews the Council modifications and prepares a final report (6/27 – 7/23/21).

Work Plan: July – November 2021

- ▶ **Commission Submits Final Report to Council (7/23/21 – within 30 days following receipt of Council modifications).**
 - ▶ **Council Accepts or Rejects Final Report, including approval of question(s) for the ballot (7/28/21 or Special Meeting – within 15 days of receipt from the Commission).**
 - ▶ **Newspaper publication of proposed Charter within 30 days following approval.**
 - ▶ **Submission of questions to the Office of the Secretary of the State more than 60 days prior to 11/2/21.**
 - ▶ **The Referendum (11/2/21).**
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Role of the Counsel

- ▶ Legal Advice
 - ▶ Research and Preparation for Workshops
 - ▶ Facilitate Commission/Council Interface
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