

HAMDEN CHARTER REVISION COMMISSION ACTION ITEM #7: BAORDS AND COMMISSIONS

CHAPTER VII: BOARDS AND COMMISSIONS

SECTION 7-1: GENERAL REQUIREMENTS FOR APPOINTED BOARDS AND COMMISSIONS¹.

A. Creation of Boards and Commissions: Number of Members, Terms². In addition to those Boards and Commissions established by this Charter, the Legislative Council shall by Ordinance establish the Boards and Commissions of the Town. Unless this Charter or Special Acts provides otherwise, the Legislative Council shall set forth, by Ordinance:

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

(2) **Chairs and Other Officers³.** Any such Ordinance shall make provision for (a) the appointment of a chair, such officers as may be necessary for its proper function and a delineation of the responsibilities of the presiding officer and other officers; (b) the keeping of records and posting of agendas as required by the General Statutes; (c) minority party representation in accordance with §7-1.F of this Charter; (d) public participation (including, but not limited to, public speaking); and, (e) the frequency of regular meetings of all Boards and Commissions, not less than one meeting per month. The agendas of Boards and Commissions shall be approved by the Chair of such entity.

B. Administration Requirements of Boards and Commissions⁴. All Boards and Commissions established by this Charter or by Ordinance are required to comply with the following requirements:

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

(2) **Meeting Requirements and Expenses⁵.** Each Board or Commission shall meet as frequently as necessary to perform its duties, not less than monthly. The Chair, any two members or the Mayor may call a meeting of any appointive Board or Commission, provided each member is given notice of not less than twenty-four (24) hours thereof.

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¹ Charter Revision of 2011.

² Charter Revision of 2011.

³ Modification of 2011 Charter section 7-1. A (2). ACTION ITEM #5 (00/00/2021).

⁴ NEW (2021). ACTION ITEM #5 (00/00/2021).

⁵ NEW (2021). ACTION ITEM #5 (00/00/2021).

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(3) **Clerk**⁶. The Chief Operating Officer shall appoint persons from among the municipal employees to act as clerks for the appointive Boards and Commissions. The Chief Operating Officer shall determine the compensation to be paid for such services within the appropriation therefor. Each appointment shall be subject to the approval of the Board or Commission for which the clerk is appointed.

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(4) **Records**⁷. Each clerk shall keep a complete record of the resolutions and other proceedings of the Board or Commission and shall have custody of its correspondence, files and other records. All minutes and recordings of meetings shall be filed with the Town Clerk. All such records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the Town website.

(5) **Public Access, Comment and Interaction**⁸.

(a) **Electronic Access for the Public**. The Chief Operating Officer shall assign each Board and Commission a Town email address for public comment and communication.

(b) **Public Comment at Meetings**. Members of the public shall be afforded opportunities for public comment, electronically or in person, at least quarterly and at any meeting in which the Board or Commission is scheduled to take action on any matter whatsoever.

(6) **Political Composition: Minority Party Representation**⁹. Unless otherwise required by the General Statutes or as otherwise set forth in this Charter, the political affiliation of the members of all appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation¹⁰. This provision shall apply to all Boards or Commissions established or required by this Charter or established by Ordinance.

(7) **Compensation Prohibited**¹¹. Except as otherwise set forth in this Charter or by Ordinance, no member of any appointed Board or Commission shall receive compensation for services as such member.

C. **Appointment**¹². Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Mayor as set forth in this Charter, subject to approval by the Legislative Council. All Board or Commission members shall serve until the completion of their

⁶ NEW (2021). ACTION ITEM #5 (00/00/2021).

⁷ NEW (2021). ACTION ITEM #5 (00/00/2021).

⁸ NEW (2021). ACTION ITEM #5 (00/00/2021).

⁹ Modification and recodification of 2011 Charter section 7-1. F.

¹⁰ See, C.G.S. § 9-167a entitled "Minority representation".

¹¹ Modification and recodification of 2011 Charter section 7-1. G.

¹² Charter Revision of 2011.

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respective terms or until their successors have been appointed and qualified.

(1) Limitations on the Appointment Authority to Boards and Commissions¹³. The Mayor's power of appointment pertaining to all members of Boards and Commissions, including vacancies, is set forth in this section of the Charter and is absolute unless otherwise designated by the General Statutes or other specific provision of this Charter. Notwithstanding the foregoing, in the event the Mayor fails to announce the appointment of a replacement member in the event of a vacancy on said Board or Commission:

(a) During the first six (6) months of the term of office, within ninety (90) Days following the effective date of that vacancy; or,

(b) during the remainder of the term of office, within sixty (60) Days following the effective date of that vacancy,

then the Legislative Council shall fill the vacancy within sixty (60) Days thereafter by a Majority Vote of the Legislative Council. In the event the Legislative Council fails to fill the vacancy during the sixty (60) Day period, then the remaining members of the Board or Commission for which the vacancy exists shall, by vote of a majority of the members present and voting, fill the vacancy by appointment; subject to the right of rejection by a Majority Vote of the Legislative Council within thirty (30) Day of said vote. Said appointments are subject to the requirements of the General Statutes pertaining to minority party representation and other applicable provisions of this Charter.

(2) Limitations of Service¹⁴. No person may be appointed to a new term on any Board or Commission if at the time of the commencement of such new term such person shall have served nine (9) consecutive years on such Board or Commission. Such person may be reappointed to such Board or Commission after a lapse of one (1) year.

D. Vacancy¹⁵. Unless otherwise set forth in the General Statutes or in this Charter, in the event of a Vacancy on any Board or Commission, a successor shall be appointed by the Mayor, subject to approval by the Legislative Council, for the unexpired portion of the term, as set forth in this Charter.

E. Removal¹⁶. Unless otherwise set forth in the General Statutes or this Charter, the Mayor may initiate proceedings to remove a member of any appointed Board, Commission, or relevant position or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the

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¹³ NEW (2021). ACTION ITEM #5 (00/00/2021).

¹⁴ NEW (2021). ACTION ITEM #5 (00/00/2021).

¹⁵ Recodification of 2011 Charter section 7-1. C.

¹⁶ Recodification of 2011 Charter section 7-1. H.

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public confidence in the member's ability to perform the duties of office. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set by Ordinance.

F. Residency Requirement¹⁷. Except as otherwise provided by Ordinance, no person may serve on a Board or Commission unless such person is an Elector of the Town. If any such person who is a member of a Board or Commission shall move from the Town, such person's membership on such Board or Commission shall be immediately terminated.

G. Dual Appointment Prohibited; Exceptions¹⁸. Except where otherwise provided by general or special law, no person may serve as an appointed member of more than one Board or Commission at the same time, with the exception of a Charter Revision Commission or other Boards or Commissions of finite duration. Members of the Legislative Council may only serve on a Board or Commission if assigned as a representative to such Board or Commission for the sole purpose of representing the Council.

H. Restrictions Pertaining to Members of the Civil Service Commission, Finance Commission and Ethics Commission^{19 20}. No person who has served in the previous three (3) years as a Public Official, other than a member of the Boards or Commissions set forth in this sub-section, or a political party officer, shall be appointed to membership on the Board of Commission. For purposes of this section, the term "Public Official" means an individual who holds or has held a municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the Town and the term "political party officer" means an officer of a national committee of a political party, state central or town committee or any person employed by such committee for compensation.

I. Required Cooperation²¹. Each Official²² and employee of any Department²³ of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational and management policies of the Department.

J. Publication of Boards and Commissions: Applicant Pool²⁴. In addition to the requirements of §5-4.A of this Charter, during the months of **May and** November of each year, the Mayor shall cause to be (1) published on the Town web-site; (2) posted in a conspicuous location available to the public in the office of the Town Clerk and in

¹⁷ Recodification of 2011 Charter section 7-1. D.

¹⁸ Charter Revision of 2011.

¹⁹ Modification of 2011 Charter section 7-1. I. **ACTION ITEM #5 (03/31/2021).**

²⁰ Modification of 2011 Charter section 7-2. I. Modification of 2011 Section 7-11 adding the Finance Commission.

²¹ Charter Revision of 2011.

²² "Official" replaces "officer".

²³ "Department" includes the deleted term "...or agency...".

²⁴ Modification of 2011 Charter section 7-1. K.

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such location in Town Hall as designated by the Mayor;; and, (3) if practicable, published in a newspaper of local availability to the residents of the Town, a list of all the Boards and Commissions of the Town, for the purpose of creating an applicant pool. Any Elector desirous of serving on any Board or Commission may express such desire in writing addressed to the Town Clerk who shall forward such correspondence to the Mayor or other such appointing authority who shall retain such correspondence on file for two (2) years. The appointing authority of any member of any Board or Commission shall review such notices prior to making the appointment to such Board.

SECTION 7-2: BOARDS AND COMMISSIONS ESTABLISHED BY THE CHARTER²⁵.

A. Finance Commission^{26 27}.

(1) **Establishment.** There shall be a Finance Commission which shall have the authority to exercise the powers and duties exclusively set forth in this in this Charter and Ordinances and such incidental powers as may be reasonably necessary to enable it to investigate and determine those matters of fiscal policy of the Town as are within its direct jurisdiction and responsibility. Said responsibilities shall include:

(a) **Budget Preparation and Oversight.** Reviewing the Proposed Town Budget and making its recommendations to the Legislative Council as set forth in Chapter X of this Charter pertaining to financial efficacy and soundness as well as compliance with Laws, procedures, contractual and fiduciary obligations as well as best practices and standards in public finance as set forth in Law, this Charter and as set forth in §7-2.C of this Charter (“Best Practices”). The Commission is further required to maintain continued oversight over budget implementation and management during the course of the fiscal year in cooperation with the Legislative Council, in furtherance of the Council’s role as the budget-making authority of the Town.

(b) **Reporting Function.** Conducting monthly meetings and quarterly budget review meetings and preparing a comprehensive annual financial report for the fiscal year

(c) **Collective Bargaining Agreements.** The Mayor and Board of Education are required to keep the Commission informed of the status and fiscal impact of collective bargaining negotiations, throughout the negotiating process and prior to completion of final negotiations on any collective bargaining agreement, the Finance Commission shall render an advisory opinion to the Mayor and the Board of Education, as the case may be, of the total cost and potential long-term tax burden as set forth in the tentative agreement. Prior to final statutory action on the collective bargaining agreement, the Commission shall, in turn, shall render an

²⁵ NEW (Charter Revision of 2011).

²⁶ ACTION ITEM #5 (03/31/2021).

²⁷ NEW (2021)

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advisory opinion to the Mayor, Legislative Council and Board of Education of the total cost and potential long-term tax burden of said agreements. The Mayor and Board of Education shall transmit the tentative agreement to the Legislative Council and the finance Commission within two (2) business days of completion.

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(d) Pensions. The Mayor and the Finance Commission are required to propose a funding policy to ensure that defined benefit pensions and Other Post-Employment Benefits (“OPEB”) are properly measured, reported and funded in accordance with contractual obligations, Best Practices and Law.

(e) Long-term Financial Planning²⁸. The Finance Commission shall regularly (although not less than every two years) engage in long-term financial planning that takes into account the next five to ten years in the future and shall further consider the financial effects of the Town’s plan of conservation and development (“POCD”) as required by the General Statutes. A report on said planning effort shall be transmitted to the Mayor and Legislative Council, which shall take the Plan into account during budget deliberations. The Legislative Council may establish a regular schedule for such planning by Ordinance.

(f) Standards and Policies. The Finance Commission shall, from time to time, issue recommended policies and standards governing the Best Practices for the financial operations of the Town.

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

(a) Term. The Mayor shall appoint two (2) members and the President of the Legislative Council shall appoint three (3) members for a term of six (6) years commencing on the 1st Day of January of the year of appointment (subject to the transition provision, bellow). All appointments shall be subject to approval by a Majority Vote of the Legislative Council. The terms shall be staggered as established at the date of the original appointment.

(i) Transition Provision Pertaining to the Initial Appointment of Members to the Finance Commission. The Mayor and President of the Legislative Council shall each appoint one (1) member to a term of six (6) years commencing on the 1st Day of January 2022. The Mayor and President of the Legislative Council shall each appoint one (1) member to a term of five (5) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2027. The President of the Legislative Council shall appoint one (1) member to

²⁸ NEW (2021).

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a term of four (4) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2026. Following the initial appointments, the term of office shall be uniform.

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

(c) Restrictions. Said Commission members shall be subject to the provision of §7-1. I of this Charter.

(d) Selection of Officers. The Commission shall elect a Chair, Vice Chair and such other officers as it deems necessary.

(e) Ex Officio Members. The following non-voting ex-officio members shall be appointed to the Commission as follows: (i) a public official or municipal employee representing the Mayor, designated by the Mayor; (ii) a representative of the Board of Education, designated by a majority vote of said Board; and, (iii) the Chair of the Legislative Council committee of jurisdiction over the budget or a member of said committee designated by the Chair. The provisions of §7-2A(2)(c) of this Charter shall not apply to said ex-officio members.

(f) Qualifications. Members of the Commission shall have professional or business experience in the fields of accounting, management or financial analysis as evidenced by being a certified public accountant, certified management accountant or having earned a degree in business, finance or public administration or the equivalent thereof from an accredited college or university; or, at least five (5) years of experience as an owner or manager or financial officer of a business or public or nonprofit administrator or such other qualifications as may be further defined by Ordinance. In addition to these requirements the Mayor is required to consider appointments reflective of the various neighborhoods and the ethnic, racial, gender and cultural mix of the town in order to achieve a balance on the Commission. Of equal weight with the foregoing requirements, the Mayor and President of the Legislative Council are obligated to take into consideration a diversity of backgrounds, life experience, expertise, as well as personal integrity and a commitment to ensuring an ethical and transparent local government.

(g) Adherence to Best Practices and Standards. In order to manifest and exemplify the highest standards of conduct and best municipal finance and budgeting practices, members are required to engage in training sessions offered by the Government Finance Officers Association, the National League of Cities, United States Conference of Mayors, Connecticut Conference of Municipalities, their successor organizations or other similar organizations. In the event such training programs are not available, the Town shall support and fund mandatory training for the members and programs shall be recommend by the

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Director of Finance. Said training shall occur immediately following confirmation to the Commission by the Legislative Council prior the commencement of a new term and at the commencement of the third year of the term. Failure to participate in training sessions constitutes grounds for removal from the Finance Commission

B. Civil Service Commission²⁹.

(1) **Establishment**³⁰. There shall be a Civil Service Commission which shall have the authority to exercise the powers and duties contained in the General Statutes, this Charter and Ordinances pertaining to the administration and operation of the Merit System and the civil service and human resources policies of the Town.

(2) **Appointment and Membership**³¹. The Commission shall consist of three (3) members **and one (1) alternate**, all Electors of the Town appointed as set forth in §7-1. B of this Charter. The Commission shall choose a chair and such other officers as it may desire³².

(a) **Executive Secretary**³³. The chief examiner shall serve as the Executive Secretary of the Commission. The Executive Secretary shall be an ex officio, non-voting member of the Commission and shall be responsible for such matters as required by the General Statutes and the Commission³⁴. The Department Head of the Town agency responsible for personnel and human resources may be appointed to serve as the chief examiner.

(b) **Term**³⁵. The Mayor shall appoint members for a term of six (6) years, commencing on the 1st Day of September of the year of appointment. The terms shall be staggered, as required by the General Statutes and as established at the date of the original appointments.

(c) **Term of Alternate Member**³⁶. The Mayor shall appoint the

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²⁹ Modification of 1983 Charter section 17-4.

³⁰ Modification of 1983 Charter section 17-4 (first and second sentences).

³¹ Modification of 2011 Charter section 7-2. A (2) which modified 1983 Charter section 17-4 (first sentence).

³² Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: "Within thirty days after such official determination, the chief executive officer of such political subdivision shall appoint three persons as civil service Commissioners to hold office, one for two years, one for four years and one for six years, and until their respective successors are appointed and have qualified, which Commissioners shall constitute the civil service board; and, biennially thereafter, such chief executive officer shall appoint one Commissioner to serve for six years and until his successor is appointed and has qualified".

³³ Modification of 1983 Charter section 17-4 (third sentence), which reads as follows: "The Executive Secretary of the Commission shall serve as the Personnel Director of the Town".

³⁴ See, C.G.S. §7-410 entitled "Civil service board; president; chief examiner".

³⁵ Charter Revision of 2011. See, fn re - C.G.S. §7-408, above.

³⁶ NEW (2021). **ACTION ITEM #5 (00/00/2021)**.

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alternate for a term of two (2) years, on the 1st Day of January of the year of appointment.

(d) Assignment of Alternate Member³⁷. If a regular member of the Board is absent or is disqualified, the Chair of the Commission shall designate an alternate to so act.

(e) Oath of Office³⁸. Said Commission members shall take the oath prescribed by the General Statutes.

(f) Minority Party Representation³⁹. Said Commission members shall be subject to the requirements of the General Statutes pertaining to civil service boards.

(g) Restrictions⁴⁰. Said Commission members shall be subject to the restrictions set forth in the General Statutes and this Charter.

(h) Removal⁴¹. Notwithstanding the provisions of this Charter, the Mayor may remove a member of said Commission in the manner set forth in the General Statutes; and, upon removal shall fill the unexpired term of the member in accordance with the provisions of §7-1. B of this Charter.

(3) Merit System Ordinance⁴². Said rules of the Civil Service Commission shall be set forth in the form of an Ordinance to be approved by the Legislative Council, upon the advice of the Mayor (following consultation with the Department Head responsible for personnel and human resources and the Civil Service Commission), as set forth in this Charter. No Ordinance shall be adopted which circumvents or otherwise violates the requirements of this Charter pertaining to a Merit System and civil service rules and regulations for the hiring and promotion of public employees.

³⁷ NEW (2021). **ACTION ITEM #5 (00/00/2021)**.

³⁸ Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: "...Each Commissioner, before entering upon the duties of his office, shall take the oath prescribed for executive officers..."

³⁹ Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: "... All appointments to said board, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party..."

⁴⁰ NEW (Charter Revision of 2011). See, C.G.S. §7-408, in pertinent part, as follows: "...and no such Commissioner shall, during his term of office, hold any other lucrative office or employment under the United States or the state or any political subdivision thereof having employees classified under the provisions of this part".

⁴¹ Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: "...The chief executive officer may remove any Commissioner appointed by him, for lack of moral character, incompetency, neglect of duty, malfeasance or partisan activity while in office, but he shall, at the same time, file with the clerk of the superior court for the appropriate judicial district a report, in writing, of such removal, with his reasons therefor. In case of any vacancy, the unexpired portion of the term shall be filled by appointment by such chief executive officer..."

⁴² NEW (Charter Revision of 2011).

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C. Board of Ethics⁴³.

(1) **Establishment**⁴⁴. There shall be a Board of Ethics⁴⁵ which shall have the authority to exercise the powers and duties contained in the General Statutes, this Charter and Ordinances pertaining to conflict of interest and ethics, administration of a code of ethics, including the issuance of advisory opinions and policies⁴⁶, and to investigate⁴⁷, render probable cause findings⁴⁸ and conduct hearings⁴⁹ pertaining to allegations of unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law) levied against any Official or employee of the Town, unless otherwise provided by Law⁵⁰. In addition to the aforementioned powers and duties, the Board shall have such other duties and powers as may be provided by any code of ethics Ordinance or other Ordinances⁵¹.

(a) **Subpoena Authority**⁵². In a manner consistent with the provisions of the General Statutes, the Board may issue subpoenas or subpoenas *duces tecum*, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

(2) **Appointment and Membership**. The Board shall consist of five (5) members and two (2) alternates, all Electors of the Town, appointed as set forth in §7-1.B of this Charter⁵³. The Board shall choose a chair and such other officers as it may desire⁵⁴.

(a) **Term of Members**⁵⁵. The Mayor shall appoint a member(s)

⁴³ Modification of 1983 Charter section 19-5

⁴⁴ Modification of 1983 Charter section 19-5. A. See, C.G.S. §7-148h(a), in pertinent part, as follows: "Any town, city, district, as defined in section 7-324, or borough may, by charter provision or ordinance, establish a board, Commission, council, committee or other agency to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of such town, city, district or borough..."

⁴⁵ Modification of 1983 Charter section 19-5. A first sentence, first clause). See, C.G.S. §7-148h entitled "Ethics Commission; establishment and powers. Interest in conflict with discharge of duties".

⁴⁶ 1983 Charter section 19-5. B.1.

⁴⁷ 1983 Charter section 19-5. B.2.

⁴⁸ 1983 Charter section 19-5. B.2.a.

⁴⁹ 1983 Charter section 19-5. B.2.b.

⁵⁰ Charter Revision of 2011 (final clause).

⁵¹ Modification of 1983 Charter section 19-5. B.3 by adding "other ordinances".

⁵² Charter Revision of 2011). See, C.G.S. §7-148h(a), in pertinent part, as follows: "...Any board, Commission, council, committee or other agency established pursuant to this section may issue subpoenas or subpoenas *duces tecum*, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers..."

⁵³ Modification of 1983 Charter section 19-5. A (first paragraph, first sentence).

⁵⁴ NEW (Charter Revision of 2011).

See, C.G.S. §7-408.

⁵⁵ Modification of 1983 Charter section 19-5. A (first paragraph, fifth and seventh sentences). The

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for a term of five (5) years, commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-9 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

(i) **Term of Alternate Members**⁵⁶. The Mayor shall appoint alternates for a term of two (2) years, on the 1st Day of January of the year of appointment (*Historical Note: See, §11-10 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

(b) **Assignment of Alternate Members**⁵⁷. If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act⁵⁸.

(c) **Qualifications**^{59 60}. In addition to the general requirements of statute, law and this Charter the Mayor is required to consider appointments reflective of the various neighborhoods and the ethnic, racial, gender and cultural mix of the town in order to achieve a balance on the board. Of equal weight with the foregoing requirements, the Mayor is obligated to take into consideration a diversity of backgrounds, life experience, expertise, as well as personal integrity and a commitment to ensuring an ethical and transparent local government. The Legislative Council may establish other qualifications by Ordinance. In order to manifest and exemplify the highest standards of conduct, members are required to engage in a training session offered by the Connecticut Office of State Ethics or a successor agency (or, in the event such training program is not available, the Town shall provide mandatory training for the members), immediately following confirmation to the Board by the Legislative Council and at the commencement of any subsequent term thereon. Failure to participate in training sessions constitutes grounds for removal from the Board of Ethics.

(d) **Restrictions**⁶¹. The Board members shall not be Officials or employees of the Town. They shall hold no other appointed office in the Town except Justice of the Peace or Notary Public.

(e) **Interference**. The activities, votes and rulings of the Board

revision deletes language regarding "compensation" since it is addressed generally in Section 7-1. G.

⁵⁶ Modification of 1983 Charter section 19-5. A (first paragraph, ninth sentence).

⁵⁷ 1983 Charter section 19-5. A (first paragraph, fourth sentence).

⁵⁸ Modification of the following language in 1983 Charter section 19-5. A (first paragraph, first sentence): "...no more than three (3) of whom shall be members of the same political party".

⁵⁹ **ACTION ITEM #1 (01/20/2021)**

⁶⁰ **NEW (2021)**

⁶¹ Modification of 1983 Charter section 19-5. A (first paragraph, second and third sentences) by removing the term "elected".

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shall not be subject to oversight or reversal by any Town Official or body⁶². The opinions of the Town Attorney required by this Charter shall not be deemed to constitute interference for purposes of this sub-section⁶³.

(f) **Local Law.** Any reference in this Charter to local law shall mean the Charter, the Ordinances, Statutory Resolutions and any other regulations or policies approved by the Legislative Council under an Ordinance establishing a method for adopting such regulations or policies.

(3) **Oversight of the Ethics and Conflict of Interest Policies of the Town⁶⁴.** The Board of Ethics shall oversee and regulate the ethics and conflict of interest policies of the Town.

(4) **Code of Ethics Ordinance⁶⁵.** Said rules and regulations of the Board of Ethics shall be set forth in the form of an Ordinance to be approved by the Legislative Council, upon the advice of the Mayor and the Board of Ethics, as set forth in this Charter.

(a) No Ordinance shall be adopted which circumvents or otherwise violates the requirements of this Charter pertaining to the requirements of the General Statutes pertaining to the requirements of:

- (i) probable cause findings⁶⁶;
- (ii) confidentiality of complaints⁶⁷;
- (iii) investigations⁶⁸;

⁶² 1983 Charter section 19-5. A (second paragraph, second sentence).

⁶³ NEW (Charter Revision of 2011).

⁶⁴ NEW (Charter Revision of 2011).

⁶⁵ NEW (Charter Revision of 2011).

⁶⁶ Modification of 1983 Charter section 19-5. B.2.a. See, C.G.S. §7-148h(a), in pertinent part, as follows: "...The provisions of subsections (a) to (e), inclusive, of section 1-82a shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause..."

⁶⁷ Modification of 1983 Charter section 19-5. B.2.a (second sentence). See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings (a) Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part or section 1-101nn shall be confidential except upon the request of the respondent. An evaluation of a possible violation of this part or section 1-101nn by the Office of State Ethics prior to the filing of a complaint shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the Office of State Ethics shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by the ethics enforcement officer or staff of the Office of State Ethics. No provision of this subsection shall prevent the Office of State Ethics from reporting the possible Commission of a crime to the Chief State's Attorney or other prosecutorial authority."

⁶⁸ Modification of 1983 Charter section 19-5. B.2.a. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(b) An

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- (iv) the conduct of hearings⁶⁹;
- (v) informing the complainant and respondent of findings⁷⁰;
- (vi) continuing confidentiality in the event of a finding of no probable cause⁷¹; and,
- (vii) public disclosure of a finding of probable cause⁷².

(b) Moreover, the Ordinance shall include a provision pertaining to the expeditious review of complaints and the issuance of determinations or other actions by the Board of Ethics⁷³.

(c) Upon request of the Legislative Council or the Board of Ethics, prior to legislative action, the Town Attorney shall render an opinion pertaining to the compliance of the provisions of a proposed ethics Ordinance or any amendment thereto with the requirements of this

investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics."

⁶⁹ Modification of 1983 Charter section 19-5. B.2.b.

⁷⁰ Charter Revision of 2011. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(c) Not later than three business days after the termination of the investigation, the Office of State Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding".

⁷¹ Charter Revision of 2011. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(d) If a judge trial referee makes a finding of no probable cause, the complaint and the record of the Office of State Ethics' investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish the judge trial referee's finding and a summary of the judge trial referee's reasons therefore".

⁷² Charter Revision of 2011. See, C.G.S. §1-82a. "Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings...(e) The judge trial referee shall make public a finding of probable cause not later than five business days after any such finding. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section 4-177. Any such stipulation agreement or settlement shall be approved by a majority of those members present and voting."

⁷³ Charter Revision of 2011.

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Charter, the General Statutes and Law⁷⁴.

(5) Finding of a Violation⁷⁵. A finding by the Board of Ethics of a violation of the Conflict of Interest and Ethics provisions of this Charter or its related implementing Ordinances, pertaining to allegations of unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law), shall be referred to:

- (a)** The Legislative Council in the case of any Elected Official⁷⁶;
- (b)** The appointing authority in the case of any Appointed Public Official⁷⁷; and,
- (c)** The person's supervisor in the case of any employee,

for appropriate disciplinary action to be taken within thirty (30) Days of receipt of the Board's finding(s) and decision.

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

(6) Appeal⁷⁸. Any Public Official⁷⁹ or employee may, within thirty (30) Days from the date any disciplinary action is voted or taken pursuant to the Board's decision that a violation of this Charter and/or any such code of ethics has occurred, take such appeal as may be permitted by the General Statutes, if any. In the event there is no such appeal permitted by the General Statutes, the findings shall be final.

D. Police Commission⁸⁰.

(1) Establishment⁸¹. There shall be a Police Commission which shall have the authority to exercise the powers and duties contained in this Charter and Ordinances pertaining to the oversight of the general management (including

⁷⁴ Charter Revision of 2011.

⁷⁵ Modification of 1983 Charter section 19-5. C.

⁷⁶ "Official" replaces "officer".

⁷⁷ "Appointed Public Official" replaces "appointed officer".

⁷⁸ Modification of 1983 Charter section 19-5. D by removing the appeal to the Superior Court. It is not clear what statutory basis exists for such appeal.

⁷⁹ "Public Official" replaces "elected or appointed officer".

⁸⁰ 1983 Charter section 10-3.

⁸¹ Charter Revision of 2011.

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operations) of the Police Department of the Town and the equipment used by the members of the Department⁸². In this regard, the Commission shall approve or disapprove policies, rules and regulations proposed by the Chief of Police as set forth in §8-5.A (4) of this Charter⁸³.

(2) Appointment and Membership⁸⁴. The Commission shall consist of five (5) Electors of the Town appointed as set forth in §7-1. B of this Charter. The Commission shall choose a chair and such other officers as it may desire⁸⁵.

(a) Term⁸⁶. Following the municipal election of 2013 and biennially thereafter, the Mayor shall appoint members for a term of two (2) years, for a term commencing on the 1st Day of January of the year of appointment⁸⁷.

(3) Functions of the Commission. For the purposes of meeting the requirements of the General Statutes, this Charter and any applicable Ordinances, the Commission shall⁸⁸:

(a) confer with and advise the Mayor and the Chief of Police with respect to the general management of the Police Department⁸⁹;

(b) review and comment on the budget request of the Police Department prior to its submission to the Mayor⁹⁰;

(c) have the sole power to appoint, promote and remove all personnel, including officers and members of the Police Department under such regulations as it adopts for that purpose⁹¹.

⁸² Charter Revision of 2011. See, C.G.S. § 7-276. Powers of Commissioners. Such boards [established by ordinance] shall have all of the powers given by the general statutes to boards of police Commissioners, shall have general management and supervision of the police department of such town and of the property and equipment used in connection therewith".

⁸³ Charter Revision of 2011. See, C.G.S. § 7-276. "Such boards...shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department".

⁸⁴ Modification of 1983 Charter section 10-3 (first sentence).

⁸⁵ Modification of 1983 Charter section 10-3.

⁸⁶ In lieu of the following language in 1983 Charter section 10-3 (first paragraph, second sentence): "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.

⁸⁷ Modification of the following language in 1983 Charter section 10-3 (first paragraph, first sentence): "...no more than three (3) of the members of such Commission shall belong to the same political party".

⁸⁸ See, C.G.S. §14-297, definition of "Traffic Authority".

⁸⁹ Modification of 1983 Charter section 10-3 (first paragraph, third sentence)

⁹⁰ Modification of 1983 Charter section 10-3 (first paragraph, fourth sentence) by adding the term "and comment on...".

⁹¹ Modification of 1983 Charter section 10-3 (second paragraph, first sentence) by adding the term "sole" and the clause "remove officers and members of the police department under such

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(i) Said power to appoint and promote personnel shall be exercised, by majority vote, from the top three (3) candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations⁹².

(ii) Said power to remove shall be in accordance with the provisions of this Charter and law⁹³.

(iii) With regard to the power to appoint, promote and remove officers and members of the Department, the Chief of Police shall provide a recommendation to the Commission⁹⁴.

(4) **Complaints.** The appointed officers and members of the Department shall hold office during good behavior and until removed for cause upon written charges and after hearing⁹⁵. The Commission shall meet and hear, upon written request, the complaint of:

(a) any member of the Police Department by reason of the acts or conduct of any officer⁹⁶.

(b) any citizen of the Town by reason of any alleged misconduct or malfeasance of any member of the Police Department⁹⁷.

As a party to any proceeding or hearing, any member of the Police Department may be represented by counsel⁹⁸. 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 System⁹⁹.

E. Fire Commission¹⁰⁰.

regulations as it adopts for that purpose" as set forth in C.G.S. § 7-276. "Such board...shall have the sole power of appointment, promotion and removal of the officers and members of such police department, under such regulations as it adopts for the purpose".

⁹² Modification of 1983 Charter section 10-3 (second paragraph, first sentence), by using the following in lieu of the term "Civil Service": "...Merit System eligibility list promulgated under civil service rules and regulations".

⁹³ Charter Revision of 2011.

⁹⁴ Modification of 1983 Charter section 10-3 (second paragraph, second sentence).

⁹⁵ Charter Revision of 2011. See, C.G.S. § 7-276 "...and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing".

⁹⁶ Modification of 1983 Charter section 10-3 (third paragraph, first sentence).

⁹⁷ Modification of 1983 Charter section 10-3 (third paragraph, second sentence).

⁹⁸ Modification of 1983 Charter section 10-3 (third paragraph, third sentence)

⁹⁹ The remainder of the section following the last footnote is 1983 Charter section 10-3 (third paragraph, fourth sentence).

¹⁰⁰ 1983 Charter section 10-9.

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(1) **Establishment**¹⁰¹. There shall be a Fire Commission which shall have the authority to exercise the powers and duties contained in this Charter and Ordinances pertaining to the oversight of the general management (including operations) of the Fire Department of the Town and the equipment used by the members of the Department. In this regard, the Commission shall approve or disapprove policies, rules and regulations proposed by the Fire Chief as set forth in §8-5.B (2) of this Charter¹⁰².

(2) **Appointment and Membership**¹⁰³. The Commission shall consist of five (5) Electors of the Town appointed as set forth in §7-1. B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term**¹⁰⁴. Following the municipal election of 2013 and biennially thereafter, the Mayor shall appoint members for a term of two (2) years for a term commencing on the 1st Day of January of the year of appointment¹⁰⁵.

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

(a) confer with and advise the Mayor and the Fire Chief with respect to the general management of the Fire Department¹⁰⁶;

(b) review and comment on the budget request for the Fire Department prior to its submission to the Mayor¹⁰⁷.

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

(i) Said power to appoint and promote personnel shall be exercised, by majority vote, from the top three (3) candidates on any applicable Merit System eligibility list, promulgated under civil service rules and regulations¹⁰⁸;

¹⁰¹ Charter Revision of 2011.

¹⁰² Charter Revision of 2011.

¹⁰³ Modification of 1983 Charter section 10-9 (first paragraph, first sentence).

¹⁰⁴ In lieu of the following language in 1983 Charter section 10-9 (first paragraph, second sentence): "The Mayor shall during the month of December in odd-numbered years, shall 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.

¹⁰⁵ Modification of the following language in 1983 Charter section 10-9 (first paragraph, first sentence): "...provided that no more than three (3) of the members of such Commission shall belong to the same political party".

¹⁰⁶ 1983 Charter section 10-9 (first paragraph, third sentence).

¹⁰⁷ Modification of 1983 Charter section 10-9 (first paragraph, fourth sentence) by adding "and comment on...".

¹⁰⁸ Modification of 1983 Charter section 10-9 (first paragraph, fifth sentence), by using the

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(ii) Said power to remove shall be in accordance with the provisions of this Charter and law¹⁰⁹.

(iii) With regard to the power to appoint, promote and remove personnel, the Fire Chief shall provide a recommendation to said Commission¹¹⁰.

(d) appoint Fire Marshal(s) and Deputy Fire Marshal(s) as set forth in the General Statutes¹¹¹.

(4) Complaints.

(a) The Commission shall meet and hear, upon written request, the complaint of any member of the Fire Department by reason of the acts or conduct of any officer¹¹².

(b) The Commission shall meet and hear, upon written request, the complaint of any citizen of the Town by reason of any alleged misconduct or malfeasance of any member of the Fire Department¹¹³.

(c) Any member of the Department may be represented by counsel at any proceeding or hearing to which he is a party¹¹⁴.

(d) Said Commission shall make such recommendations as it deems reasonable to adjust a complaint heard by it but shall not commit the Town for the payment of money damages and may not affect the rights of any person under the Merit System¹¹⁵.

F. Zoning Board of Appeals.

(1) **Establishment**¹¹⁶. There shall be a Zoning Board of Appeals to exercise the following powers and duties as more explicitly set forth in the General Statutes:

following in lieu of the term "Civil Service": "...Merit System eligibility list promulgated under civil service rules and regulations".

¹⁰⁹ Charter Revision of 2011.

¹¹⁰ 1983 Charter section 10-9 (first paragraph, sixth sentence).

¹¹¹ NEW (Charter Revision of 2011). See, C.G.S. §29-297 entitled "Appointment of local fire marshals, deputies and provisional fire marshals".

¹¹² 1983 Charter section 10-9 (second paragraph, first sentence).

¹¹³ 1983 Charter section 10-9 (second paragraph, second sentence).

¹¹⁴ 1983 Charter section 10-9 (second paragraph, third sentence).

¹¹⁵ 1983 Charter section 10-9 (second paragraph, fourth sentence). The term "Merit System" replaces the following clause: "...under the merit provisions of this Charter".

¹¹⁶ Modification of 1983 Charter section 13-3 (first and second sentences). Required by the General Statutes in all towns having zoning Commissions; see, the following footnotes.

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- (a) To hear and decide zoning appeals¹¹⁷;
- (b) To hear and decide all land use matters as may be permitted by law¹¹⁸; and,
- (c) To determine and vary the application of the zoning bylaws, Ordinances or regulations in cases of exceptional difficulty or unusual hardship¹¹⁹.

The ability to hear cases shall be limited as set forth in the General Statutes¹²⁰. The validity and effect of variances shall be governed by the General Statutes¹²¹. The provision of this §7-1.E of this Charter shall be confirmed in the form of an Ordinance¹²².

(2) **Appointment and Membership**¹²³. The Board (comprised of five (5) regular members and three (3) members of a "Panel of Alternates") shall consist of eight (8) Electors of the Town¹²⁴ appointed as set forth in §7-1.B of this

¹¹⁷ Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter..."

¹¹⁸ Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(a) The zoning board of appeals shall have the following powers and duties: ... (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and

¹¹⁹ Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(a) The zoning board of appeals shall have the following powers and duties: (3) to determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed..."

¹²⁰ Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(a) ...No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application..."

¹²¹ Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(b) Any variance granted by a zoning board of appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance."

¹²² Charter Revision of 2011. See, C.G.S. §8-5.

¹²³ Modification of 1983 Charter section 13-3 (first sentence).

¹²⁴ See, C.G.S. §8-5. Zoning board of appeals. Alternate members. (a) "...The regular members and alternate members of such zoning board of appeals shall be electors..."

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Charter¹²⁵. The Commission shall choose a chair and such other officers as it may desire¹²⁶. The Board shall follow the requirements of the General Statutes pertaining to the call of public meetings, the administration of oaths, compelling of attendance of witnesses, preparation of meeting minutes and the filing of rules, regulations and requirements (and the amendment or repeal thereof) and decisions as public records¹²⁷.

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

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

(b) Assignment of the Panel of Alternates¹²⁸. Members of the Panel of Alternates shall be designated to act in the place of a member as set forth in the General Statutes¹²⁹.

¹²⁵ Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. "(a) In each municipality having a zoning Commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as "the panel of alternates", shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members...".

¹²⁶ Modification of 1983 Charter section 10-3; see also, C.G.S. §8-5(a) regarding selection of chair.

¹²⁷ Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. "(a)...Such board by vote of its regular members only shall elect a chairman from among its members, unless otherwise provided by special act, and all meetings of such board shall be held at the call of the chairman and at such other times as the board determines and shall be open to the public. Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record".

¹²⁸ Charter Revision of 2011. See, C.G.S. §8-5a. "Designation of alternate members to act. If a regular member of a zoning board of appeals is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the chairman of the board shall designate an alternate from such panel, 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". (1959, P.A. 146, S. 2; 1971, P.A. 763, S. 5.). History: 1971 act made no changes. Fact that minutes failed to show how or by whom alternates who participated in hearing were designated did not invalidate board's action. 150 C. 539. Cited. 219 C. 352. Cited. 33 CA 281.

¹²⁹ Modification of 1983 Charter section 13-3 by deleting the following: "...a bare majority of the regular members of which and a bare majority of the alternate members of which may be from

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(c) **Restrictions**¹³⁰. The regular members and Panel of Alternates shall not be members of the body acting as the Zoning Commission.

(d) **Vacancy**¹³¹. Notwithstanding the provisions of §7-1.C of this Charter, any Vacancy in the regular members of the Board or Panel of Alternates, shall be filled for the unexpired portion of the term by the Mayor.

G. Planning and Zoning Commission.

(1) **Establishment**¹³². There shall be a Planning and Zoning Commission to exercise the powers and duties as set forth in the General Statutes¹³³. The provision of §7-2F of this Charter shall be confirmed in the form of an Ordinance or action by the Legislative Council in accordance with the provisions of the General Statutes¹³⁴.

the same political party.”

¹³⁰ Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. “(a) ...The regular members and alternate members of such zoning board of appeals.... shall not be members of the zoning Commission, any provision of any special act to the contrary notwithstanding...”.

¹³¹ Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. “a) ...Any vacancy in such board, including any vacancy in the panel of alternates, unless otherwise provided by ordinance or special act, shall be filled for the unexpired portion of the term, by the board of selectmen of towns or the chief executive officer of cities and boroughs...”.

¹³² Modification of 1983 Charter section 13-1.

¹³³ Modification of 1983 Charter section 13-1 (fourth sentence): “(3) 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”. According to the town Attorney and Counsel to the Commission there are no special acts. The Commission operates strictly under Title 8 of the General Statutes.

¹³⁴ The Code of Ordinances validates the charter provisions in §§33.56 and 33.57. These provisions will need to be amended following adoption of the charter. See also, § 8-4a. Zoning or planning Commission may be designated as planning and zoning Commission, as follows: “Any town, city or borough, unless otherwise provided by special act, may by ordinance or by vote of its legislative body designate its zoning Commission or its planning Commission as the planning and zoning Commission for such municipality, and such Commission shall thereupon have all the powers and duties of both a planning Commission and a zoning Commission and shall supersede any previous planning Commission or zoning Commission, as the case may be. Such vote shall establish the number of members to comprise such planning and zoning Commission, which number of members shall be five, six, seven, eight, nine or ten, not counting nonvoting members. In the establishment of a five-member planning and zoning Commission, the provisions of section 8-19 shall apply. In the establishment of a planning and zoning Commission with six or more members, the provisions of section 8-19 shall apply except that the terms of office shall be so arranged that not more than three of such terms on a six-member Commission, four of such terms on a seven or an eight-member Commission, or five of such terms on a nine or ten-member Commission shall expire in any one year. Any public hearing conducted by a planning and zoning Commission with six or more members shall be held by the Commission or a committee thereof appointed for that purpose constituting a majority of the

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(2) **Appointment and Membership**¹³⁵. The Commission shall consist of nine (9) regular members and three (3) alternate members¹³⁶, all Electors of the Town appointed as set forth in §7-1.B of this Charter¹³⁷. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term**¹³⁸. The Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-11 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

(i) **Term of the Alternate Members**¹³⁹. The Mayor shall appoint alternate members for a term of three (3) years, on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-12 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

members of the Commission. Any combined planning and zoning Commission established under the general statutes prior to October 1, 1959, may continue to exist. Upon the establishment of a combined planning and zoning Commission, all regulations adopted by the planning Commission or the zoning Commission which were in effect prior to the establishment of such combined Commission shall continue in full force and effect until modified, repealed or superseded in accordance with the provisions of this chapter and chapter 126. A vacancy on such combined planning and zoning Commission shall be filled in a manner prescribed by the legislative body of such municipality."

¹³⁵ Modification of 1983 Charter section 13-1 (first sentence) by deleting the following language: "...subject to the provisions of § 5-5 of this Charter and may be removed for cause...". The proposed charter addresses the issue of removal for cause in §7-1. H.

¹³⁶ Modification of 1983 Charter section 13-2 by deleting the following language: "...In addition to the members appointed in 13-1 of this Chapter, the Mayor shall appoint subject to the provisions of § 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". The proposed charter addresses the issue of removal for cause in §7-1. H.

¹³⁷ Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. "(a) In each municipality having a zoning Commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as "the panel of alternates", shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members...".

¹³⁸ Modification of 1983 Charter section 13-1 (first and second sentences).

¹³⁹ Modification of 1983 Charter section 13-2 (first and second sentences)

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(b) Assignment of Alternate Members¹⁴⁰. 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 meeting¹⁴¹.

(3) Division of Commission¹⁴². The Commission may be divided into a zoning section and a planning section, each to consist of four (4) members and the chairman. Each section shall be subject to the provisions of §7-1. F of this Charter. The Chair shall preside over both sections.

H. Building Board of Appeals.

(1) Establishment¹⁴³. As required by the General Statutes, there shall be a Building Board of Appeals to exercise the powers and duties as set forth in the General Statutes and the Basic Building Code of the State¹⁴⁴.

(2) Appointment and Membership¹⁴⁵. The Commission shall consist of five (5) regular members¹⁴⁶, all Electors of the Town, unless otherwise required by the General Statutes¹⁴⁷, appointed as set forth in §7-1.B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) Term. The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1st Day of January of the year of appointment, which terms shall be staggered as established at the date of the original appointments¹⁴⁸.

¹⁴⁰ Modification of 1983 Charter section 13-2 (third and fourth sentences).

¹⁴¹ Modification of 1983 Charter sections 13-1 and 13-2 (first sentence) by deleting the following: "...no more than five (5) of whom (regular members) shall be from the same political party" and "...no more than two (2) of whom (alternate members) shall be from the same political party" and "...no more than two (2) of whom shall be from the same political party and act as alternates at hearings before the Planning and Zoning Commission".

¹⁴² Modification of 1983 Charter section 13-1 (third sentence), by deleting the following: "no more than three (3) of whom, including the chairman, shall belong to the same political party" and stating that the Chair shall preside over both sections".

¹⁴³ Modification of 1983 Charter section 10-6.

¹⁴⁴ See, C.G.S. § 29-266a. (Formerly Sec. 19-402) entitled "Municipal board of appeals. Filing of appeals in absence of board of appeals". See also, §29-266. (Formerly Sec. 19-402) entitled "Municipal board of appeals. Filing of appeals in absence of board".

¹⁴⁵ Charter Revision of 2011.

¹⁴⁶ Charter Revision of 2011. See, C.G.S. §29-266(a), as follows: "...Such board shall consist of five members, all of whom shall meet the qualifications set forth in the State Building Code".

¹⁴⁷ Charter Revision of 2011. See, C.G.S. §29-266(a), as follows: ".... A member of a board of appeals of one municipality may also be a member of the board of appeals of another municipality."

¹⁴⁸ Charter Revision of 2011.

HAMDEN CHARTER REVISION COMMISSION ACTION ITEM #7: BAORDS AND COMMISSIONS

I. Personnel Appeals Board¹⁴⁹.

(1) **Establishment**¹⁵⁰. There shall be a Personnel Appeals Board for the purpose of hearing and determining any grievance, as shall be defined by Ordinance, of any employee or group of employees who are members of the classified service¹⁵¹. The Board shall adopt rules of procedures which shall insure any aggrieved employee a prompt and fair hearing and an opportunity to be heard in person or by the employee's chosen representative¹⁵². The provision of §7-2.H of this Charter shall be confirmed in the form of an Ordinance or action by the Legislative Council in accordance with the provisions of the General Statutes¹⁵³.

(2) **Appointment and Membership**¹⁵⁴. The Board shall consist of five (5) Electors of the Town holding no salaried municipal office¹⁵⁵, appointed as set forth in §7-1.B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

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

¹⁴⁹ 1983 Charter section 17-5.

¹⁵⁰ Modification of 1983 Charter section 17-5 (first sentence); see also, C.G.S. § 7-422 entitled "Personnel appeals board. Appeal to Superior Court".

¹⁵¹ In lieu of current language from 1983 Charter section 17-5 (fourth sentence), as follows: "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". See also, ORDINANCE 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."

¹⁵² See, C.G.S. § 7-422 entitled "Personnel appeals board. Appeal to Superior Court", as follows: "Said board shall hear and determine any grievance, as defined in such ordinance, of any employee or group of employees of such town, city or borough. It shall adopt rules of procedures which shall insure any aggrieved employee a prompt and fair hearing and an opportunity to be heard in person or by a representative of his choosing."

¹⁵³ See, C.G.S. § 7-422 entitled "Personnel appeals board. Appeal to Superior Court".

¹⁵⁴ Modification of 1983 Charter section 17-5 (first sentence) by deleting the following language: "...The Mayor shall appoint subject to the provisions of § 5-5 of this Charter and may remove for cause five (5) Electors of the Town to serve as a Personnel Appeals Board". The proposed charter addresses the issue of removal for cause in §7-1. H.

¹⁵⁵ NEW (Charter Revision of 2011). See, C.G.S. § 7-422, entitled "Personnel appeals board. Appeal to Superior Court", as follows: "...Any town, city or borough may, by ordinance, create a personnel appeals board which shall consist of five members who shall be electors of such municipality holding no salaried municipal office...".

HAMDEN CHARTER REVISION COMMISSION ACTION ITEM #7: BAORDS AND COMMISSIONS

year of appointment¹⁵⁶, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-13 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*)¹⁵⁷.

(b) **Minority Party Representation**¹⁵⁸. Notwithstanding the provisions of §7-1.F of this Charter, the minority party requirements set forth in the applicable General Statutes shall apply in the event such statutory standard is more restrictive than the Charter¹⁵⁹.

(c) **Quorum**¹⁶⁰. The quorum requirements shall conform to the requirements of the General Statutes¹⁶¹.

(3) The Board shall have such other duties and powers as may be prescribed by the Council¹⁶².

(4) **Statutory Appeal**¹⁶³. The decisions of the Board may be appealed to the Superior Court as set forth in the General Statutes¹⁶⁴.

J. Library Board.

(1) **Establishment**¹⁶⁵. There shall be a Library Board¹⁶⁶ which shall have the authority to establish policies for the operation and use of all public libraries in the Town and shall exercise full supervision over all public library operations in accordance with the General Statutes, this Charter and Ordinances.

¹⁵⁶ The following language from 1983 Charter section 17-5 was deleted: "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". See also, C.G.S. § 7-422, entitled "Personnel appeals board. Appeal to Superior Court" which permits the ordinance to fix the "...term of office and method of election or appointment... The terms of office shall be arranged so that not more than one of such terms shall expire in any one year. Vacancies shall be filled for the unexpired portion of the term in the manner fixed in the ordinance."

¹⁵⁷ 1983 Charter section 17-5 (second and third sentences)

¹⁵⁸ Charter Revision of 2011.

¹⁵⁹ At the time of the consideration of the revised Charter, C.G.S. § 7-422, entitled "Personnel appeals board. Appeal to Superior Court" states that "Not more than three members shall be members of the same political party".

¹⁶⁰ Charter Revision of 2011.

¹⁶¹ See, C.G.S. § 7-422, entitled "Personnel appeals board. Appeal to Superior Court" which states that "...Three members shall constitute a quorum...".

¹⁶² 1983 Charter section 17-5 (fifth sentence).

¹⁶³ Charter Revision of 2011.

¹⁶⁴ See, C.G.S. § 7-422, entitled "Personnel appeals board. Appeal to Superior Court", as follows: "...The decision of said board may be appealed to the Superior Court within ninety calendar days from the date such board renders its decision...".

¹⁶⁵ Modification of 1983 Charter section 14-1 (first and fourth sentences).

¹⁶⁶ See, C.G.S. §§11-32 and 11-36.

HAMDEN CHARTER REVISION COMMISSION ACTION ITEM #7: BAORDS AND COMMISSIONS

(2) **Appointment and Membership**¹⁶⁷. The Board shall consist of **nine (9) Electors** of the Town appointed as set forth in §7-1. B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

Commented [S12]: **DISCUSSION AND ACTION ITEM: 4/6/2021**

(a) **Term**¹⁶⁸. The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-14 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*)¹⁶⁹.

(b) **Transition Provision** re – appointment of four (4) additional members.

Commented [S13]: **NEED TO COORDINATE WITH THE CURRENT MEMBERS FOR PARTY REPRESENTATION.**

(3) Such Board shall appoint and may remove the Library Director and any Assistant Directors¹⁷⁰. Subject to the provisions of the Merit System, said Board shall appoint such other personnel as are necessary to administer the library system of the Town¹⁷¹.

K. **Inland Wetlands Commission**¹⁷².

(1) **Establishment**¹⁷³. There shall be an Inland Wetlands Commission which shall promulgate such regulations, in conformity to those adopted by the State, as are necessary to protect the wetlands and watercourses within the Town (*Transition Provision E: See, §11-15 of this Charter pertaining to the repeal and/or the effect of conflicting provisions of the Code of Ordinances*).

Commented [S14]: **TALK WITH TOWN ATTORNEY**

(2) **Appointment and Membership**. The Commission shall consist of eleven (11) members **and __ () alternates**, all Electors of the Town appointed as set forth in §7-1. B of this Charter. The Commission shall choose a chair and such other officers as it may desire.

Commented [S15]: **DISCUSSION AND ACTION ITEM: 4/6/2021**

SGM: HOW MANY?

¹⁶⁷ Modification of 2011 Charter section 7-2.J and 1983 Charter section 14-1 (first sentence), by replacing the following: "(1) There shall be a Library Board of five (5) Electors...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 §5-5 of this Charter one (1) member for a term of five (5) years."

¹⁶⁸ Modification of 1983 Charter section 14-1 (second and third sentences).

¹⁶⁹ Modification of 1983 Charter section 14-1, by deleting the following: "...no more than three (3) of whom shall be members of the same political party..."

¹⁷⁰ Modification of 1983 Charter section 14-1 (fifth sentences).

¹⁷¹ Modification of 1983 Charter section 14-1 (sixth sentences).

¹⁷² Charter Revision of 2011. In accordance with C.G.S. §22a-42 entitled "Municipal regulation of wetlands and watercourses. Action by Commissioner".

¹⁷³ Modification of current Ordinance §33.104

HAMDEN CHARTER REVISION COMMISSION ACTION ITEM #7: BAORDS AND COMMISSIONS

(a) **Term.** The Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1st Day of May of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

(b) **Term of Alternate Member**¹⁷⁴. The Mayor shall appoint the alternate for a term of two (2) years, on the 1st Day of January of the year of appointment.

(c) **Assignment of Alternate Member**¹⁷⁵. If a regular member of the Board is absent or is disqualified, the Chair of the Commission shall designate an alternate to so act.

(d) **Ex-officio Members.** The Mayor and Town Planner shall serve as ex-officio members of the Commission, without vote. The Legislative Council may, by Ordinance, establish an ex officio membership for a member of the Council.

(3) **Duties and Appointment and Membership.** The Commission shall carry out the provisions of the General Statutes pertaining to the protection of wetlands and watercourses within the Town limits¹⁷⁶.

L. Diversity, Equity and Inclusion Commission¹⁷⁷

(1) **Establishment.** There shall be a Diversity, Equity and Inclusion Commission which shall have the authority to exercise the powers and duties exclusively set forth in this in this Charter and Ordinances including the development of policies including budgetary and fiscal policies to address issues of racial equity, justice and inclusion in the Town. The Commission shall provide assistance to the Mayor and Legislative Council with respect to, but not limited to, the following issues: (i) housing; (ii) access to education; (iii) public health; (iv) law enforcement community accountability; (v) inequities in the general fund operating, enterprise fund and capital budget; (vi) supporting participation in town commissions, boards and governance; (vii) eliminating structural and institutional racism as well as other forms of discrimination; (viii) funding recommendations for the general fund/operating, enterprise fund and capital budgets in order to meet the objectives of the Commission; and, (ix) such other issues as may be set forth by Ordinance.

(2) **Appointment and Membership.** The Commission shall consist of members from each of the nine (9) Legislative Council Districts, appointed as set forth in 7-1. B of this Charter. The Board shall choose a chair and such other

Commented [S16]: DISCUSSION AND ACTION ITEM: 4/6/2021

Commented [S17]: DISCUSSION AND ACTION ITEM: 4/6/2021

Commented [S18]: VICE CHAIR DOWNING (2/23) AND COMMISSIONER GALLGHER (2/26): DIVERSITY, EQUITY AND INCLUSION COMMISSION

Commented [S19]: VICE CHAIR DOWNING (2/23) AND COMMISSIONER GALLGHER (2/26): DIVERSITY, EQUITY AND INCLUSION COMMISSION

Commented [S20]: COMMISSIONER GALLGHER (2/26): "INCLUDING BUT NOT LIMITED TO".

Commented [S21]: COMMISSIONER GALLGHER (2/26): "LAW ENFORCEMENT COMMUNITY ACCOUNTABILITY".

Commented [S22]: COMMISSIONER GALLGHER (2/26): DELETED "past" AND ADD OTHER BUDGET ISSUES".

Commented [S23]: SGM QUESTION (2/26): DOES THIS CLARIFY (v), ABOVE?

VICE CHAIR DOWNING (2/23): ADDRESS FUNDING NEEDS/ENTERPRISE FUNDS

¹⁷⁴ NEW (2021). ACTION ITEM #5 (00/00/2021).

¹⁷⁵ NEW (2021). ACTION ITEM #5 (00/00/2021).

¹⁷⁶ At the time of the adoption of this Charter the pertinent provisions of the General Statutes are C.G.S. §§22a-36 through 22a-45.

¹⁷⁷ NEW (2021).

HAMDEN CHARTER REVISION COMMISSION ACTION ITEM #7: BAORDS AND COMMISSIONS

officers as it may desire.

(a) Term. The Mayor shall appoint members for a term of four (4) years commencing on the 1st Day of January of the year of appointment (subject to the transition provision, bellow). The terms shall be staggered as established at the date of the original appointment.

(i) Transition Language Pertaining to the Initial Appointment of Members to the Diversity, Equity and Inclusion Commission. Three members shall be appointed to a term of four (4) years commencing on the 1st Day of January 2022. Three members shall be appointed to a term of three (3) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2025. Three members shall be appointed to a term of two (2) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2024. Following the initial appointment, the term of office shall be uniform

(b) Ex-officio Members. The Mayor and two (2) members of the Legislative Council shall serve as ex-officio members of the Commission, without vote.

(c) Chief Equity Officer. The Mayor is required to assign an employee of the Town who, in concert with the Commission, is required to administer, develop and execute diversity, equity, and inclusion programing within the framework of local, state and federal law; advising the Mayor as to social problems in the community having a bearing on community relations; and making periodic reports to the Mayor and Legislative Council on significant developments in the diversity, equity, and inclusion programing funding. Said Officer shall serve as a liaison to the human rights commission, the human services commission, the housing commission, the Legislative Council and other boards and commission as necessary, and provide professional assistance and support, including staff leadership, training and support to those bodies in order to advance equity within the Town.

Commented [S24]: VICE CHAIR DOWNING (2/23) AND COMMISSIONER GALLGHER (2/26): DIVERSITY, EQUITY AND INCLUSION COMMISSION

Commented [S25]: VICE CHAIR DOWNING (2/23), COMMISSONER KAYE (2/23) AND COMMISSIONER GALLGHER (2/26).

Commented [S26]: COMMISSIONER GALLGHER (2/26).

Commented [S27]: COMMISSIONER GALLGHER (2/26).

SECTION 7-3: APPOINTED BOARDS AND COMMISSIONS REQUIRED BY THE CHARTER¹⁷⁸

The Legislative Council shall adopt Ordinances setting forth the organizational structure and powers of Boards and Commissions pertaining to the following matters:

A. Economic development;

¹⁷⁸ NEW (Charter Revision of 2011).

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- B. Public housing;
- C. Human rights, opportunities and relations;
- A. Veterans affairs;
- B. Parks, recreation and youth services ¹⁷⁹;
- C. Retirement, pensions and/or disabilities;
- D. Environmental policy, energy use, climate change, natural resources, open space, solid waste, recycling, litter and blight; and,
- E. Regulation and management of traffic and parking ¹⁸⁰.

SECTION 7-4: APPOINTED BOARDS AND COMMISSIONS ESTABLISHED BY ORDINANCE OR AS OTHERWISE MAY BE PRESCRIBED BY THE GENERAL STATUTES.

The Legislative Council may establish, by Ordinance or as otherwise may be prescribed by the General Statutes, such additional Boards and Commissions as are necessary to effectuate the powers and purposes of the Town as enumerated in the General Statutes, Special Acts and this Charter.

SECTION 7-5: BOARDS APPOINTED BY THE LEGISLATIVE COUNCIL¹⁸¹.

A. Board of Assessment Appeals¹⁸².

(1) **Establishment.** There shall be a Board of Assessment Appeals which shall have such powers as set forth in the General Statutes.

(2) **Appointment and Membership¹⁸³.** The Board shall consist of three (3) members and __ (__) alternates, all Electors of the Town, appointed by the Legislative Council. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term.** The Council shall appoint members for a term of three (3) years and Alternates for a term of _____ (.) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of original appointments (*Historical Note: See, §11-16 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8,*

Commented [S28]: **DISCUSSION AND ACTION ITEM: 4/6/2021**
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¹⁷⁹ NEW (Charter Revision of 2011).

¹⁸⁰ See §§33.10 through 33.15 of the Code of Ordinances.

¹⁸¹ 1983 Charter Chapter IV.

¹⁸² Modification of 1983 Charter section 4-1 by repealing title: "Board of Tax Review".

¹⁸³ Modification of 1983 Charter section 4-1.

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1983)¹⁸⁴ ¹⁸⁵.

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

(c) Miscellaneous. Notwithstanding the provisions of the Charter to the contrary, the Legislative Council shall set the compensation for members of the Board of Assessment Appeals and no person holding an elective, appointive or salaried office or position in the Town shall be eligible to serve¹⁸⁶. Said Board shall have all powers and duties conferred or imposed by the General Statutes on boards of tax review or assessment appeals¹⁸⁷.

SECTION 7-6: CONTINUANCE OF BOARDS AND COMMISSIONS¹⁸⁸.

Boards and Commissions established under the authority of prior Charters which may be modified, altered or abolished by this Charter will continue under the provisions of this Charter; unless otherwise specified.

SECTION 7-7: MERGER OR CONSOLIDATION OF BOARDS AND COMMISSIONS¹⁸⁹.

The functions of any Board or Commission required under this Chapter may be merged or consolidated with another by Ordinance.

¹⁸⁴ Modification of 1983 Charter section 4-1 (first and third sentences) by repealing the following language: "...Council shall at a meeting to be held not later than January 31, 1966 appoint a board of assessment appeals consisting of three (3) members..."

¹⁸⁵ Modification of 1983 Charter section 14-1, by deleting the following: "...no more than two (2) of whom shall be from any one political party ...".

¹⁸⁶ 1983 Charter section 4-1(fourth sentence).

¹⁸⁷ Modification of 1983 Charter section 4-1(fifth sentence) by adding "assessment appeals".

¹⁸⁸ NEW (Charter Revision of 2011).

¹⁸⁹ NEW (Charter Revision of 2011).

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