

# RESOLUTION OF THE HAMDEN LEGISLATIVE COUNCIL

## RECOMMENDATIONS OF THE LEGISLATIVE COUNCIL TO THE CHARTER REVISION COMMISSION, PURSUANT TO C.G.S. §7-191(b)

**PRESENTED BY:** Mick McGarry, President of the Legislative Council

**DATED:** July 1, 2021

**WHEREAS**, the Charter Revision Commission (hereinafter, "Commission") submitted its draft report to the City and Town Clerk on May 28, 2021 ("Draft Report"); and,

**WHEREAS**, the Legislative Council has conducted a Public Hearing on the Draft Report in accordance with C.G.S. Sec. 7-191(b) and considered and reviewed said draft report; and,

**WHEREAS**, the Legislative Council generally accepts the substantial content of the Draft Report favorably; and,

**WHEREAS**, pursuant to C.G.S. Sec. 7-191(c) the Legislative Council, as the appointing authority of the Charter revisions is authorized to make recommendations to Commission for changes in the Draft Report; and,

**WHEREAS**, the Legislative Council does have a number of issues in the Draft Report that should either be deleted or modified.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE TOWN OF HAMDEN:** That the Charter Revision Commission consider the following recommendations and adjustments to its Draft Report:

1. **Chapter I, Section 1-3: Time of Appointments and Meetings Generally.** Delete the following sentence: "Any meeting required by this Charter to be held on a certain Day shall be deemed, for all purposes, to be a regular meeting."
2. **Chapter III, Section 3-4: Eligibility.** The eligibility standard for residency should apply equally to "at-large" as well as "district" appointments.
3. **Chapter V, Section 5-2.D(1): Submission of Quarterly Reports to Council.** The quarters should be defined and commence on July 1<sup>st</sup> and each quarter thereafter.
4. **Chapter V, Section 5-2.D(2)(a): Legislative modification of Threshold for Exemption Transaction under Competitive Procurement and Solicitation Requirements.** The Legislative Council should have complete discretion regarding the creation of this threshold. **FURTHER ACTION: TABLED UNTIL FOLLOW-UP WITH FINANCE DIRECTOR**

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5. **Chapter V, Section 5-6: Chief Operating Officer<sup>1</sup>.** COO should be eliminated and replaced by including the Chief of Staff position in the Charter with a delineation of responsibilities pared down to avoid any of the issues raised by the Town Attorney and Fire Chief pertaining to MERA and the Finance Director with regard to establishing qualifications that are too constricting.
6. **Chapter VII, Section 7-1.B(1)(a) and (b) and 7-1.F and G(2).** Eliminate the utilization of representation by Legislative Council Districts and utilize the term “geographic representation and diversity” to be monitored by the Diversity, Equity and Inclusion Commission.
7. **Chapter VII, Section 7-1.B(4).** This provision should not apply in the event the Commission fails to obtain a quorum.
8. **Chapter VII, Section 7-1.B(4).** The 24 notice standard should apply “...unless otherwise required by Law”.
9. **Chapter VII, Section 7-1.B(5).** The Town Clerk should replace the COO with respect to the assignment of clerks to boards and commissions.
10. **Chapter VII, Section 7-1B(6).** Add the term “...in accordance with law” at the end of the first sentence.
11. **Chapter VII, Section 7-1.B(7)(a).** The Town Clerk should replace the COO as the party responsible for assign email addresses to the Boards and Commissions.  
**FURTHER ACTION: DISCUSS WITH LABOR COUNSEL AND DETERMINE WHETHER THERE ARE ANY COLLECTIVE BARGAINING ISSUES INVOLVED IN PROVIDING EMAIL ACCESS TO THE BOARDS AND COMMISSIONS BY THE PUBLIC.**
12. **Chapter VII, Section 7-1.B(7)(b).** The Commission should reexamine the post-meeting public comment.
13. **Chapter VII, Section 7-1.C(4).** There should be no term limit on board and commission service.
14. **Chapter VII, Section 7-1.F(1).** Delete the term “such person’s membership on such Board or Commission shall be immediately terminated” and replace with “such person shall immediately resign from such Board or Commission. Failure to resign shall be grounds for removal under section 3-10.D of this Charter.”
15. **Chapter VII, Section 7-2.A(1)(c).** The role of the Finance Commission in collective bargaining should be at the discretion of the Mayor, in accordance with Law and any agreements governing the collective bargaining process.

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16. **Chapter VII, Section 7-2.A(1)(e).** Long term planning should take “capital” planning into account and the reporting requirement should cover a period of five years.
17. **Chapter VII, Section 7-2.A(2)(f).** There should be lay people on the Finance Commission.
18. **Chapter VII, Section 7-2.D.** The Charter Commission should streamline the language in this provision to facilitate clarity and understanding; including the relationship between the Commission and the Chief of Police as well as other boards, commissions and outside citizen and neighborhood organizations.
19. **Chapter VII, Section 7-2.D(2)(c)(ii).** The Charter Commission should clarify that “electronic access” means a dedicated email address for members of the public to communicate with the Commission, as required by §7-1.B(7)(a) of the Charter.
20. **Chapter VII, Section 7-2.D(2)(j).** Errata. The decimal should be corrected to reflect “four-tenths of one percent.”

One Councilmember suggests removing the dedicated funding of the Commission.

21. **Chapter VII, Section 7-2.L. The Diversity, Equity and Inclusion Commission – Establishment.** The Commission should replace the specific delineation of “protected classes” with a reference to applicable federal and state laws as may be amended, that establish such protected classes and include the delineation in a footnote in order to memorialize those classes that existed at the time the Charter is adopted.
22. **Chapter VII, Section 7-2.L(3)(f). The Diversity, Equity and Inclusion Commission – Role of Commission – Monitoring Diversity and Geographic Representation on Boards and Commission.** The DEI Commission should provide the Mayor and Legislative Council with recommendations pertaining to the diversity of members on Boards and Commission to ensure compliance with §7-1.G of the Charter.
23. **Chapter VIII, Section 8-2.A.** Department Heads shall be appointed to a fixed term of years (No specific term was included).
24. **Chapter VIII, Section 8-2.B.** Department Heads shall be removed “for cause” in all cases.
25. **Chapter X, Section 10-1.B: The Budget Liaison.** The Budget Liaison should be removed; or, said duties should be incorporated into the Finance Department.
26. **Chapter X, Section 10-3.G: Public Inspection.** The public should have the ability

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to inspect the budget on the website.

**27. Chapter X, Section 10-5.A(3)(b). Lapse of Capital Funds.** The lapse of capital funds should occur at “five years” rather than “three” years.

**28. Generally.** Review the entire Charter and make certain that notice provisions including postings comply with Law.

**BE IT FURTHER RESOLVED:** That the Council authorizes the Town Attorney and Counsel to the Council to continually review the document for errata and other non-substantive editorial revisions, subject to the approval of the Council.

**For Consideration at a Special Meeting of the Legislative Council, July 13, 2021.**

<sup>1</sup> Proposed recommendations and Comment on Sec. 5-6.

<b>Proposed Recommendation: §5-6.B.</b> Director of Finance testified that the credentials are artificial and the academic requirements are unnecessary.
<b>Proposed Recommendation: §5-6.B(1)(a).</b> The Town Attorney and Counsel to the Council recommend adding the word “Mayor” prior to the term “shall propose” otherwise there is no one to propose the required ordinance.
<b>Public Hearing Comment.</b> Diane Hoffman supports COO with “management expertise to better professionalize the administration.”
<b>Proposed Recommendation: §5-6.C(2).</b> Objection by Fire Chief to mandatory nature of Chief Operating Officer’s duties to “manage, administer, supervise, and “perform” duties under the authority of the Mayor” as an encroachment on the authority of the Fire Chief
<b>Proposed Recommendation: §5-6.C(2)(a) and (b).</b> The Town Attorney raised the issue of what is the difference and why is there specific oversight over police and fire? Review in the context with provisions pertaining to the fire chief, police chief, police commission and fire commission. Views are shared by the Finance Director.

DRAFT SUBJECT TO REVIEW AND REVISION BY THE LEGISLATIVE COUNCIL 20 JULY 2021