

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 13, 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 1st and each quarter thereafter.
- 4. Chapter V, Section 5-5: Chief Operating Officerⁱ.** COO should be eliminated and replaced by the Chief of Staff position in the Charter with a delineation of responsibilities.

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5. **Chapter VII, Section 7-1.B(1)(a) and (b); Sections 7-1.F and G(2) and Sections 7-2.D(3) [Police Commission], 7-2.J(2) [Library Board] and 7-2.L(4)[DEI Commission].** Eliminate the utilization of representation by Legislative Council Districts and utilize the term “geographic representation and diversity” to be monitored by the Diversity, Equity and Inclusion Commission.
6. **Chapter VII, Section 7-1.B(4).** This provision should not apply in the event the Commission fails to obtain a quorum.
7. **Chapter VII, Section 7-1.B(4).** The 24 notice standard should apply “...unless otherwise required by Law”.
8. **Chapter VII, Section 7-1.B(5).** The Town Clerk should replace the COO with respect to the assignment of clerks to boards and commissions.
9. **Chapter VII, Section 7-1B(6).** Add the term “...in accordance with law” at the end of the first sentence.
10. **Chapter VII, Section 7-1.B(7)(a).** The Town Clerk should replace the COO as the party “responsible for assigning the appropriate communications capacity to the Boards and Commissions for the purpose of receiving information from the public”. The Charter Commission should make it clear that the issue is not the form of communication but rather, the facilitation of platforms and standards that permit uniform public access to convey information to Boards and Commissions.
11. **Chapter VII, Section 7-1.B(7)(b).** The Charter Commission should reexamine the post-meeting public comment.
12. **Chapter VII, Section 7-1.C(4).**
 - A. The Charter Commission should re-examine the provision regarding term limits taking into account the Legislative Council discussion.
 - B. **Errata:** Eliminate Transition Language re – non-voting status since it was not approved by the Charter Commission; however, the Commission should not adopt a provision that does not comply with Minority Party Representation and other requirements of the Charter.
13. **Chapter VII, Section 7-1.F(1).** Delete the term “such person’s membership on such Board or Commission shall be immediately terminated” and replace with “such person shall immediately resign from such Board or Commission. Failure to resign shall be grounds for removal under §3-10.D of this Charter.”
14. **Chapter VII, Section 7-2.A(1)(c).** The role of the Finance Commission in collective bargaining should be at the discretion of the Mayor and Board of Education, in accordance with Law and any agreements governing the collective

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bargaining process.

15. **Chapter VII, Section 7-2.A(1)(e).** Long term planning should take “capital” planning into account and the reporting requirement should cover a period of five years.
16. **Chapter VII, Section 7-2.D: The Police Commission.** The Charter Commission should streamline the language in this provision to facilitate clarity and understanding; including the relationship between the Commission and the Chief of Police as well as other boards, commissions and outside citizen and neighborhood organizations; and to make it clear that the Policy Commission is vested with the authority to create policy for the Police department and to receive input.
17. **Chapter VII, Section 7-2.D(2)(c)(ii).** The Charter Commission should replace language referring to “electronic access” and dedicated email addresses and establish a clear standard for direct public communication with the Commission, as required by §7-1.B(7)(a) of the Charter.
18. **Chapter VII, Section 7-2.D(2)(f).** Labor Counsel recommends the following language: “**Submit to the Mayor, a review and comment on the contents of collective bargaining agreement in order to effectuate the alignment of such agreement with the public service requirements of the Town as well as the best practices of a Department in diversity recruitment, promotion, training, community interaction and operations as well as other areas as may be set forth by Ordinance, provided; however, that such review and comments are for consideration only and shall not be deemed a directive to the Mayor or the Town’s negotiating committee.**”
19. **Chapter VII, Section 7-2.D(2)(j).** The Charter Commission should remove the “dedicated funding” provision and require a budget line item to be funded as part of the annual budget request. As a result, the errata request is moot.
20. **Chapter VII. Section 7-2.L. The Diversity, Equity and Inclusion Commission – Establishment.** The Charter Commission should replace the specific delineation of “protected classes” with a reference to applicable federal and state laws as may be amended, that establish such protected classes and include the delineation in a footnote in order to memorialize those classes that existed at the time the Charter is adopted.
21. **Chapter VII. Section 7-2.L(3)(f). The Diversity, Equity and Inclusion Commission – Role of Commission – Monitoring Diversity and Geographic Representation on Boards and Commission.**
 - A. The Charter Commission should consider adding language that authorizes the DEI Commission to provide the Mayor and Legislative Council with

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recommendations pertaining to the diversity of members on Boards and Commission to ensure compliance with §7-1.G of the Charter at the time of appointment.

- B.** The Charter Commission should consider adding language that authorizes the DEI Commission to provide an annual report to the Mayor and Legislative Council regarding the composition and diversity of Board and Commissions, commencing on January 1, 2023.
- 22. Chapter VIII, Section 8-2.B.** Department Heads shall be removed “for cause” in all cases.
- 23. Chapter X, Section 10-1.B: The Budget Liaison.** The Budget Liaison should be removed; and the Charter Commission should consider allocating said such duties as necessary to the Finance Department.
- 24. Chapter X, Section 10-3.G: Public Inspection.** The public should have the ability to inspect the budget on whatever platform or technology will ensure direct access at all times
- 25. Chapter X, Section 10-5.A(3)(b). Lapse of Capital Funds.** The lapse of capital funds should occur at “five years” rather than “three” years.
- 26. Generally. See, Chapter I, Section 1-4.R and W. Definition of “Meeting (or Hearing) Notice” and “Public Notice”.**
- A.** Add the following verbiage to Section 1-4.R: “...and as may be established by Ordinance or rules of the Legislative Council or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes.”
- B.** Add the following verbiage to Section 1-4.W: “...in the event the requirement of the Charter is more stringent than the requirements of the General Statutes
- C.** See also, (1) Section 3-7.D(2)(“First Reapportionment Commission”; (2) Section 3-10.C (“Notice for Removal of Elected and Appointed Officials”); (3) Section 4-8.A (“Public Notice of Final Action” Pertaining to Ordinances and Statutory Resolutions); (4) Section 4-11 (“Approval of Mayoral Appointments); (5) Section 5-4.A(2) “Notice” for adoption of emergency powers); (6) Section 5-4.D (“Emergency Meetings of the Legislative Council”); (7) Section 5-5.E(1) and (5) (“Public Emergency and Notice requirements” and “Effective Date” for the Adoption of public emergency ordinances, orders and measures by the Legislative Council); (8) Section 7-1.B(4)“Notice” of meeting of board or commission); (9) Section 7-1.B(7)(b)(ii)(“Adding Items at regular Meeting Agendas: Public Comments”); (10) Section 7-1.K(3) (Public

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Notice of “Publication of Boards and Commissions: Applicant Pool”); (11) Section 8-4..E(1) (“Equal employment Opportunity”); (12) Section 10-3.G (“Public Inspection”); (13) Section 10-4.A(5) (“Public Inspection”); and, (14) Section 10-6.D and E (“Effective Date of Town Budget Ordinance” and related “Public Notice”).

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

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.

Approved at a Special Meeting of the Legislative Council, July 13, 2021.

ⁱ Proposed recommendations and Comment on Sec. 5-6.

Proposed Recommendation: §5-6.B. Director of Finance testified that the credentials are artificial and the academic requirements are unnecessary.
Proposed Recommendation: §5-6.B(1)(a). 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.
Public Hearing Comment. Diane Hoffman supports COO with “management expertise to better professionalize the administration.”
Proposed Recommendation: §5-6.C(2). 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
Proposed Recommendation: §5-6.C(2)(a) and (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.