AGENDA
CHARTER REVISION COMMISSION
December 9, 2020
7:00 PM

Electronic Meeting Pursuant to Paragraph 1 of Executive Order 7B

THIS MEETING WILL BE A 100% ELECTRONIC MEETING

LEGISLATIVE COUNCIL CHAMBERS AT MEMORIAL TOWN HALL WILL BE CLOSED PURSUANT TO THE GOVERNOR’S EXECUTIVE ORDERS 7B and 7D

Please click the link below to join the webinar:

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1. Call of the meeting and roll call
2. Approval of previous minutes – November 24, 2020
3. Create Communications Subcommittee
4. Act on recommendations of Council re:
   a. C.G.S. §7-421 pertaining to prohibition of municipal employees serving on Legislative Council; and,
5. Discussion with Town Attorney and Commission Counsel – Re: Reapportionment (Charter §3-7)
6. Discussion with Town Attorney, Ethics Chair and Commission Counsel – Re: Ethics (Charter §3-9 and 7.2.B)
8. Discussion with Town Attorney – Re: Contracts without fiscal impact (Charter §3-7)
9. Adjournment

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¹ Under Executive Order 7B Electronic Meetings are subject to the following: (a) The public shall have the ability to view or listen to each meeting or proceeding in real time, by telephone, video, or other technology; (b) Any such meeting or proceeding shall be recorded or transcribed, and such recording or transcript shall be posted on the Town’s website within seven (7) days of the meeting or proceeding, and made available within a reasonable time in the Town Clerk’s office; (c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information about how the meeting will be conducted and how the public can access it; (d) Any materials relevant to matters on the agenda, including but not limited to materials related to specific applications, if applicable, shall be submitted to the agency a minimum of twenty four (24) hours prior and posted to the agency’s website for public inspection prior to, during, and after the meeting, and any exhibits to be submitted by members of the public shall, to the extent feasible, also be submitted to the agency a minimum of twenty-four (24) hours prior to the meeting and posted to the agency’s website for public inspection prior to, during, and after the meeting; and, (e) All speakers taking part in any such meeting or proceeding shall clearly state their name and title, if applicable, before speaking on each occasion that they speak.
• **Charter 3-9 (See also, Charter §7.2.B – Conflict of Interest and Ethics):**
  
  o **Independent and Discretionary Action of Ethics Board**: The Ethics Board should provide oversight and proactive insight not just respond to requests from LC members for opinions. The Board is in the position of guiding the ethical character of Hamden.
  
  o **Address Conflicts of Interest**: Address all conflicts of interest and make and enforce penalties for failing to meet such guidelines.
  
  o Recognize nepotism, cronyism, and conflicts of interest as violations of the town’s charter.

• **Charter 7-2.B – Board of Ethics**.
  
  o Board of Ethics members should not be appointed by the Mayor as they are called upon to review complaints concerning elected officials and town employees.
  
  o The qualifications of these board members should be reviewed and tightened so that public confidence can be high that there is little opportunity for conflict of interest.
  
  o Reconsideration of what types of issues are appropriate for the ethics commission to review is needed. Complaints from the public should be considered.

• **Charter 7-2.B – Board of Ethics Authority to recommend Recusals for Legislative Council Members**. The Board of Ethics should be empowered to be able to recommend recusals for Legislative Council members that have a conflict of interest in voting (when a complaint is received).”

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1 Submission by Judy G. Clark, Ridge Road: 9/21/2020.
2 Submission by Elain Dove, Santa Fe Avenue: 9/21/2020
4 Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “While reviewing the Charter, the possibility of conflict of interest should always be kept in mind and addressed as needed. Concerns over conflict of interest are constant and abundant in Hamden. There should be requirements addressing when town officials and employees must recuse themselves from participating in making a decision on a specific item.”
5 Submission by Stephen Marsh, PhD, Blake Road: 10/19/2020.

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- Charter §7-1.I – Restrictions on Civil Service and Ethics Appointment:

- Commission to review restrictions (11/10/2020).

- Charter 7-2.B (See, §3-9, above) – Board of Ethics and Board of Ethics Authority to recommend Recusals for Legislative Council Members.


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6 Public Testimony of Town Attorney Sue Gruen: 10/14/2020.
7 Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “While reviewing the Charter, the possibility of conflict of interest should always be kept in mind and addressed as needed. Concerns over conflict of interest are constant and abundant in Hamden. There should be requirements addressing when town officials and employees must recuse themselves from participating in making a decision on a specific item.”
8 Submission by Stephen Marsh, PhD, Blake Road: 10/19/2020.
SECTION 3-9: CONFLICT OF INTEREST AND ETHICS.  

A. Statement of Purpose\textsuperscript{10}. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by Officials affect every citizen of the municipality, and it must be based on honest and fair deliberations and decision. This process must be free from threats, favoritism, nepotism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By setting forth this Statement of Purpose, the Town of Hamden seeks to articulate a policy that will continually strive to maintain and increase the confidence of our citizens in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to assure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public confidence in the integrity of the competitive process. In all cases, the reality and appearance of impropriety should be addressed by the Conflict of Interest Policy and Ethics Ordinance.

B. Conflict of Interest Policy and Ethics Ordinance\textsuperscript{11}. The Town shall enact, by Ordinance, a code of ethics for all Officials and employees of the Town, whether elected or appointed, paid or unpaid, and individuals and entities seeking to and conducting business with the Town. The purpose of such code is to establish suitable ethical standards by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Town, and by directing disclosure of private financial interest or personal interest\textsuperscript{12} in matters affecting the Town by such elected and appointed Officials or employees as well as such individuals and entities seeking to and conducting business with the Town. The Ordinance shall designate an Official to provide all Public Officials and employees of the Town with copies of the provisions of §3-9 of this Charter and the implementing Ordinances and policies enacted hereunder, upon the commencement of their public service and/or employment.

   (1) The Council shall enact a code of ethics by Ordinance (and amendments thereto) following public review and comment by the Board of Ethics, in a manner consistent with the provisions of this Charter\textsuperscript{13}.

   (2) Recusal\textsuperscript{14}. The Official or employee filing a disclosure under this Charter or Ordinance with the Town

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\textsuperscript{9} Revision of 1983 Charter section 19-3.
\textsuperscript{10} NEW.
\textsuperscript{11} NEW.
\textsuperscript{12} In lieu of 1983 Charter section 19-3 (first sentence).
\textsuperscript{13} Modification of 1983 Charter section 19-3 (fifth sentence) which reads, as follows: “The Council may, in accordance with the provisions of Section 3-5, by ordinance, supplement the provisions of this section”.
\textsuperscript{14} Modification of 1983 Charter section 19-3 (second sentence) by repealing the following: “…involving said contract with or sale to the Town as aforesaid” and
Clerk shall refrain from voting, participating or acting on matters which are the subject of such disclosures.

(3) **Violation.** In addition to any remedies or penalties set forth in the Ordinance effectuating this provision of the Charter, any finding of a violation by the Board of Ethics, as set forth in §7-2.B (5) of this Charter:

- **(a)** shall render any action, including but not limited to any contract or agreement involved voidable at the option of the Town\(^{15}\);  

- **(b)** may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances\(^{16}\); and,

- **(c)** may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance\(^{17}\).

### C. Conflict of Interest and Corrupt Practices\(^{18}\)

No Official shall violate the provisions of the General Statutes\(^{19}\), this Charter or Ordinances pertaining to conflicts of interest and corrupt practices\(^{20}\). The Ordinance set forth in §3-9.B of this Charter shall define and set forth the parameters of conflicts of interest and corrupt practices\(^{21}\).

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\(^{15}\) Modification of 1983 Charter section 19-3 (fourth paragraph) by replacing “instance” with “option”.  

\(^{16}\) NEW.  

\(^{17}\) Modification of 1983 Charter section 19-3, by (1) broadening the standard to any actions (including contracts and agreements); (2) adding the following: “…and may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances”; and, (3) adding the following: “…(c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance”.

\(^{18}\) Consistent with 1983 Charter section 19-3 (first sentence) by deleting the following language: “No member of the Council or other Official or employee of the Town shall have any financial interest, direct or indirect, in any contract with the Town or in the sale to the Town of any supplies, materials, services, land, building or equipment, except on behalf of the Town as an Official or employee thereof unless such member shall file with the Town Clerk a written statement setting forth fully the nature and extent of such member’s interest therein”.

\(^{19}\) Among the provisions is C.G.S. § 7-148h(b) Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, Commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official's spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter.

\(^{20}\) NEW.  

\(^{21}\) Consistent with 1983 Charter section 19-3 (third sentence) by deleting the following language: “…No member of the Council or other Official or employee of the
SECTION 3-10: REMOVAL OF ELECTED AND APPOINTED OFFICIALS\(^{22}\).

A. Standard for Removal. Unless otherwise set forth in this Charter, any Elected Official or Appointed Official (with the exception of members of Boards and Commissions, who may be removed in accordance with §7-1.H of this Charter), may be removed from office, for cause, by the Legislative Council by a vote of two-thirds (2/3\(^{rd}\)) of the entire membership of the Council; subject to any applicable provisions of the General Statutes\(^{23}\).

(1) The applicable provisions of the General Statutes shall be taken into consideration with regard to the removal proceedings of the Town Clerk\(^{24}\), Chief of Police, Fire Chief, Fire Marshal, Building Official and any other Officials designated for protection by the General Statutes\(^{25}\).

(2) Notwithstanding the grounds for cause set forth herein, the Mayor shall have the power to remove any Appointed Official who serves a term coterminous with the Mayor (as specifically set forth in this Charter and any Ordinance creating the applicable Department); unless otherwise provided for in this Charter or by law\(^{26}\).

B. Recitation of Charges\(^{27}\). No such Elected or Appointed Official of the Town (“charged party”) may be removed except upon charges, which shall be proffered following a majority vote of the Legislative Council. Removal may not occur in the absence of a hearing thereon before a plenary session of the Council.

C. Notice\(^{28}\). Written notice by the Council of the charges and time and place of hearing shall be given to the charged party at least fifteen (15) Days prior to such hearing. Said notice shall either be (1) mailed to the charged party by registered or certified mail, in each case, return receipt requested and postage prepaid or national recognized overnight courier, with receipt and all fees prepaid; or, (2) addressed to an officer authorized to serve legal

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\(^{22}\) Modification of 1983 Charter section 3-14 by adding “Appointed Officials”.

\(^{23}\) Modification of 1983 Charter section 3-14 (first paragraph, third sentence). The provision reaffirms the “for cause” standard and establishes a definitive vote of the Legislative Council. The current standard in Section 3-14: “The power to remove shall be by an affirmative vote of at least two-thirds (2/3) of the Council present and voting in the case of elected officials or officials appointed by the Council”.

\(^{24}\) NEW. At the time the revised Charter C.G.S. § 7-22 entitled “Removal of town clerks” applied.

\(^{25}\) NEW.

\(^{26}\) NEW.

\(^{27}\) NEW.

\(^{28}\) Modification of 1983 Charter section 3-14 (first paragraph, second sentence).
process with a direction to make personal service upon the charged party of the same, within the time prescribed.

D. **Grounds of Cause.** Such charges shall be for:

1. A finding by the Board of Ethics of neglect or dereliction of official duty or a violation of (a) the conflict of interest policy and ethics provisions of this Charter and/or Ordinances; or, (b) any other provisions of law pertaining to unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law)\(^\text{29}\);

2. Conviction of a felony\(^\text{30}\);

3. Conviction of a lesser crime involving fraudulent or dishonest conduct\(^\text{31}\);

4. Determination of physical or mental incapacity to serve, based upon the best evidence as presented by competent authority\(^\text{32}\);

5. Determination of incompetence based upon the best evidence as presented by competent authority\(^\text{33}\);

6. Documented poor performance of an Appointed Official kept in the normal course of business\(^\text{34}\);

7. Habitual absence from office, as may be defined by the Mayor for Appointed Officials or by the adopted rules of procedure for the Legislative Council or Board or Commission\(^\text{35}\);

8. A delinquency materially affecting the person’s general character or fitness for office\(^\text{36}\); or,

9. Such actions as may be set forth in the Ordinance by the Council\(^\text{37}\).

\(^{29}\) Modification of 1983 Charter section 3-14 (first paragraph, first sentence) by adding “dereliction of official duty”.

\(^{30}\) 1983 Charter section 3-14 (first paragraph, first sentence).

\(^{31}\) 1983 Charter section 3-14 (first paragraph, first sentence).

\(^{32}\) NEW.

\(^{33}\) NEW.

\(^{34}\) NEW.

\(^{35}\) NEW.

\(^{36}\) NEW.

\(^{37}\) Modification of the standard set forth in 1983 Charter section 3-14 (first paragraph, first sentence) to “…include, but not limited to…”.
E. **Right to Counsel**\(^{38}\). Such Elected or Appointed Official shall have the right to be represented by counsel at the hearing, to present evidence and testimony personally and through witnesses, and to cross-examine witnesses.

F. **Public Hearing**\(^{39}\). Such hearing shall be open to the public and transcribed, except as otherwise permitted by Law.

G. **Appeal.** Any such Elected or Appointed Official may, within thirty (30) Days from the date when the decision to remove is taken following such hearing, take any appeals as may be permitted by law\(^{40}\).

**SECTION 7-2.B: BOARD OF ETHICS**\(^{41}\).

(1) **Establishment**\(^{42}\). There shall be a Board of Ethics\(^{43}\) 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 policies\(^{44}\), and to investigate\(^{45}\), render probable cause findings\(^{46}\) and conduct hearings\(^{47}\) 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 Law\(^{48}\). 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

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\(^{38}\) Modification of 1983 Charter section 3-14 (first paragraph, fourth sentence).

\(^{39}\) Modification of 1983 Charter section 3-14 (first paragraph second and fifth sentences).

\(^{40}\) Modification of 1983 Charter section 3-14 (second paragraph). Deleting the following provision since it was not clear what the legal authority was: "...of such action to the Superior Court".

\(^{41}\) Modification of 1983 Charter section 19-5

\(^{42}\) 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...".


\(^{48}\) NEW (final clause).
Ordinances\(^{49}\).

(a) **Subpoena Authority\(^{50}\).** 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 Charter\(^{51}\). The Board shall choose a chair and such other officers as it may desire\(^{52}\).

(a) **Term of Members\(^{53}\).** The Mayor shall appoint a member(s) for a term of five (5) years, commencing on the 1\(^{st}\) 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\(^{54}\).** The Mayor shall appoint alternates for a term of two (2) years, on the 1\(^{st}\) 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\(^{55}\).** If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act\(^{56}\).

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\(^{49}\) Modification of 1983 Charter section 19-5.B.3 by adding “other ordinances”.

\(^{50}\) NEW. 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…”.


\(^{52}\) NEW.

See, C.G.S. §7-408.

\(^{53}\) Modification of 1983 Charter section 19-5.A (first paragraph, fifth and seventh sentences). The revision deletes language regarding “compensation” since it is addressed generally in Section 7-1.G.


\(^{56}\) 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”.

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(c) **Restrictions**\(^{57}\). 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.

(d) **Interference.** The activities, votes and rulings of the Board shall not be subject to oversight or reversal by any Town Official or body\(^{58}\). The opinions of the Town Attorney required by this Charter shall not be deemed to constitute interference for purposes of this sub-section\(^{59}\).

(e) **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 Town**\(^{60}\). The Board of Ethics shall oversee and regulate the ethics and conflict of interest policies of the Town.

(4) **Code of Ethics Ordinance**\(^{61}\). 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 findings\(^{62}\);

(ii) confidentiality of complaints\(^{63}\);

\(^{57}\) Modification of 1983 Charter section 19-5.A (first paragraph, second and third sentences) by removing the term “elected”.


\(^{59}\) NEW.

\(^{60}\) NEW.

\(^{61}\) NEW.

\(^{62}\) 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…”.

\(^{63}\) 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
(iii) investigations\textsuperscript{64};
(iv) the conduct of hearings\textsuperscript{65};
(v) informing the complainant and respondent of findings\textsuperscript{66};
(vi) continuing confidentiality in the event of a finding of no probable cause\textsuperscript{67}; and,
(vii) public disclosure of a finding of probable cause\textsuperscript{68}.

(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 Ethics\textsuperscript{69}.

\textsuperscript{64} 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 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.”

\textsuperscript{65} NEW. 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”.

\textsuperscript{66} NEW. 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”.

\textsuperscript{67} NEW. 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.”

\textsuperscript{68} NEW.
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 Charter, the General Statutes and Law.

(5) Finding of a Violation. 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 Official;

(b) The appointing authority in the case of any Appointed Public Official; 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) Appeal. Any Public Official 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.

70 NEW.
71 Modification of 1983 Charter section 19-5.C.
72 “Official” replaces “officer”.
73 *Appointed Public Official* replaces “appointed officer”.
74 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..
75 “Public Official” replaces “elected or appointed officer”.

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§ 30.01 DEFINITIONS.

For the purpose of this chapter, unless otherwise specifically provided, the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "APPEARS BEFORE." A person appears before a board commission, agency or department when such person addresses a board, commission, agency or department and if applicable publicly states his/her name and address for the record.

(B) "EMPLOYEES." All employees of the town and of all governmental bodies created under the provisions of the town charter, ordinances, or applicable statutes.

(C) "FINANCIAL INTEREST." Ownership of any interest as the result of which a person has received within the past calendar year or is presently receiving or in the future is entitled to receive more than $1,000 per calendar year or ownership of, or interest in more than two (2%) percent of a business entity.

(D) "GIFT." A favor, hospitality or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust if established by a spouse ancestor.

(E) "INCOME." Economic benefit received.

(F) "INTENTIONALLY." A person acts intentionally, or with intent, with respect to the nature of his/her conduct or to a result of his/her conduct when it is his/her conscious objective or desire to engage in the conduct or cause the result.

(G) "INTEREST." Having a share or concern in some project or affair, as being involved, as liable to be affected or prejudiced, as having self-interest, and as being the opposite of disinterest.
(H) "KNOWINGLY." A person acts knowingly, or with knowledge, with respect to the nature of his/her conduct or to circumstances surrounding his/her conduct when he/she is aware of the nature of such conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his/her conduct when he/she is aware that such conduct is reasonably certain to cause the result.

(I) "OFFICIALS." Elected and appointed officials, whether paid or unpaid, members of the legislative council and of all governmental bodies created under the provisions of the town charter, ordinances, or applicable statutes.

(J) "PARTICIPATING." The rendering of advice, or recommendation, investigation, approval, disapproval, or otherwise.

(K) "PERSON INTEREST." Either an interest in the subject matter or a relationship with the parties before a Board of Commission impairing the impartiality expected to characterize each member of such Board or Commission.

(L) "THIS CODE." The code of ethics for the town officials and employees.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.02 CODE ESTABLISHED; PURPOSE.

(A) There is established a code of ethics for all town officials and employees

(B) The purpose of this code is to establish ethical standards for all officials and employees by prohibiting acts or actions incompatible with the best interests of the town and by directing disclosure by the officials and employees of private financial or other interests in matters affecting the town.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.03 VIOLATION OF CODE.

Violation of this code or § 19-3 of the charter, may constitute a cause for suspension, removal from office or employments, or other disciplinary actions. The provisions and purpose of this code and the rules, regulations and standards as shall be established hereunder are declared to be in the best interests of the town.
§ 30.04 RESPONSIBILITIES OF PUBLIC OFFICE.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for all government. Violation of any provisions of this code should raise conscientious questions for the councilman or other official or employees concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the town.

§ 30.05 CONFLICT OF INTEREST.

(A) No official or employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest, or would tend to impair his independence of judgment or action in the performance of his official duties.

(B) No official or employee shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

(C) No paid official or employee shall

   (1) Appear in behalf of private interests before any governmental body of the town.
   (2) Accept a retainer or compensation that is contingent upon a specific action by a governmental body.
   (3) Represent private interests in any action or proceeding against the interests of the town in any litigation to which the town is a party.

(D) No member of the Zoning Commission or Board, Zoning Board of Appeals, Inland Wetlands Board or Commission or any town agency exercising the powers of any zoning commission or board, zoning board of appeals or inland wetland board or commission shall participate on behalf of the town in any manner is such board member or
commissioner has a financial or personal conflict of interest including but not limited to those conflicts set forth above in divisions (A) through (C) of this section.

(E) No member of the Zoning Commission or Board or Zoning Board of Appeals or any town agency exercising the powers of any zoning commission or board or board of appeals, shall participate in the hearing or decision of the board or commission of which he or she a member upon any matter in which he or she is directly or indirectly interested in a personal or financial sense.

(F) No member of the Zoning Commission or Board or Zoning Board of Appeals, or any town agency exercising the powers of any zoning commission or board or board of appeals, shall appear for or represent any person, firm, corporation or other entity in any matter pending before the Planning or Zoning Commission or Board or said Board of Appeals or any agency exercising the powers of any such commissioner board in the same town, whether or not he or she is a member of the board or commission hearing the matter.

(G) No member of the Inland Wetlands Board or Commission shall participate in the hearing or decision of such board or commission of which he or she is a member upon any matter in which he or she is directly or indirectly interested in a personal or financial sense.

(H) No member of any land use board or commission or board or commission having jurisdiction or exercising any power over any land use or purchasing decisions may appear before their agency in any matter in which they knowingly have a pecuniary interest or from representing anyone else before the agency.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.06 PERSONAL INTEREST TO BE FILED WITH CLERK.

Any official or employee who has a substantial or controlling financial or significant personal interest in any transaction or contract with the town, or in the sale of real estate, materials, supplies, or services to the town, shall make known promptly by a writing filed with the town clerk such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of the contract or sale, except as may be requested by the Legislative Council in accordance with the provisions of § 30.07.

(Adopted 3-3-69, Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)
§ 30.07 DISCLOSURE OF PRIVATE INTEREST.

A member of the council who has a private interest in any matter pending before the council shall disclose on the records of the council the full nature and extent of the interest. This provision shall not apply if the councilman abstains from all discussion and disqualifies himself from voting on the matter. Any other official or employee who has a financial or other private interest, and who, at the request of the council, participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council the full nature and extent of the interest.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-28-07)

§ 30.08 GIFTS AND FAVORS.

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the town having any relationship or connection with the official or employee, in the discharge of his duties.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.09 DISCLOSURE OF CONFIDENTIAL INFORMATION.

No official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the town. No official or employee shall use information acquired in the course of his public duties, to advance the financial or other private interest of himself or others.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84)

§ 30.10 IMPROPER USE OF OFFICIAL POSITION.

A. No official or employee shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when the services are available to the public generally or are provided as municipal policy for the use of the official or employee in the conduct of official business.

B. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
C. No official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the town. No official or employee shall use information acquired in the course of his or her public duties to advance the financial or other private interest of himself or herself or others.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, adopted 6-18-07; Am. Ord. 601, adopted 2-7-11)

§ 30.11 BOARD OF ETHICS, MEMBERS.

The administration of this code of ethics shall be charged to the mayor, who shall appoint a board of ethics, subject to the approval by two-thirds vote of the members of the council, consisting of five members, not more than three of whom shall be members of the same political party and two alternates, all of whom shall be resident electors of the town. The mayor shall initially appoint one member for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The Mayor shall also initially appoint one alternate member for a term of two years and one for a term of one year. Annually thereafter during the month of January, the mayor shall appoint one member for a term of five years and one alternate member for a term of two years. Each member of the board shall serve until his successor has been appointed and qualified.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.12 BOARD TO ADOPT RULES AND REGULATIONS.

Pursuant to § 19-5 of the town charter, the board shall adopt and promulgate reasonable rules and regulations for the administration of § 19-3 and § 19-5 of the town charter and of this code consonant with the provisions hereof. The rules and regulations so adopted and promulgated and all amendments thereof shall be made available at the office of the legislative council.

(Adopted 3-3-69; Am. Ord. 233, adopted 8-6-84; Am. Ord. 552, passed 6-18-07)

§ 30.13 BOARD TO RECEIVE COMPLAINTS, HOLD HEARINGS.

The board shall receive written complaints of violations of the town charter and/or of this code and shall, upon such complaint or on its own initiative, investigate same, and may hold hearings thereon as provided in § 19-5 of the town charter and in accord with its rules and regulations.
§ 30.14 BOARD TO REPORT FINDINGS; RENDER ADVISORY OPINIONS.

(A) The board shall report its findings of a violation of the charter and/or any such Code of Ethics to the Council in the case of any elected officer, to the appointing authority in the case of any appointed officer and to the person's supervisor in the case of any employee for appropriate disciplinary action.

(B) The board may also render advisory opinions to any official or employee of the town pursuant to his or her written request.

§ 30.15 RESERVED.

§ 30.16 APPLICABILITY OF CODE.

This code shall apply in all instances except when superseded by an applicable, statutory or charter provision and when the statutory or charter provision is mandatory, or when the statutory or charter provision is discretionary but deemed by the board to be more appropriate or desirable.
## Upcoming Deliverables

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Items:</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/09/2020</td>
<td><strong>Action Items:</strong></td>
</tr>
<tr>
<td></td>
<td>1. Create Communications Subcommittee; and,</td>
</tr>
<tr>
<td></td>
<td>2. Act on recommendations of Council re:</td>
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<tr>
<td></td>
<td>(a) C.G.S. §7-421 pertaining to prohibition of municipal employees serving on Legislative Council; and,</td>
</tr>
<tr>
<td></td>
<td>(b) Simons v. Canty re – recall of elected officials.</td>
</tr>
<tr>
<td>12/09/2020</td>
<td>Discussion with Town Attorney and Commission Counsel re – Reapportionment (Charter §3-7)</td>
</tr>
<tr>
<td>12/09/2020</td>
<td>Discussion with Town Attorney, Ethics Chair and Commission Counsel re – Ethics (Charter §3-9 and 7.2.B)</td>
</tr>
<tr>
<td>12/09/2020</td>
<td>Discussion with Town Attorney and Commission Counsel re – Emergency Powers (Charter §5-5.C)</td>
</tr>
<tr>
<td>No Date</td>
<td>Comparative Chart of Elected and Appointed Municipal Clerks (Charter §3-3.A(1))</td>
</tr>
<tr>
<td>No Date</td>
<td>Comparative Chart re – Composition of Municipal Legislative Bodies (Charter §3-3.E)</td>
</tr>
<tr>
<td>No Date</td>
<td>Comparative Chart addressing Mayoral Vacancies (Charter §3-5.A)</td>
</tr>
<tr>
<td>No Date</td>
<td>Comparative Chart re – Capital Budget (Charter §4-5.C and 10-3.C)</td>
</tr>
<tr>
<td>No Date</td>
<td>Comparative Chart addressing Forms of Government (Charter, Chapter V)</td>
</tr>
<tr>
<td>No Date</td>
<td>Opinion from Commission Counsel re – CPRB</td>
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<tr>
<td>No Date</td>
<td>Opinion from Counsel re – term limits for board an commission members (§7-1)</td>
</tr>
<tr>
<td>No Date</td>
<td>Language from Counsel re – re – appointing authority guidance on demographic composition of boards and commissions (§7-1)</td>
</tr>
<tr>
<td>No Date</td>
<td>• Comparative Chart: composition and size of Civil Service Commissions (§7-2.A(2))</td>
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<td></td>
<td>• Opinion from Counsel on statutory restrictions on service on Civil Service Commission (consult with Town Attorney)</td>
</tr>
<tr>
<td>No Date</td>
<td>Talk with Town Attorney re – composition of Board of Assessment Appeals and other boards and commissions (§7-5.A(2)).</td>
</tr>
<tr>
<td>No Date</td>
<td>Counsel to review current subpoena authority of the Police Commission (§7-2.C)</td>
</tr>
<tr>
<td>No Date</td>
<td>Comparative Chart of Municipal Purchasing provisions addressing contract bidding and oversight and no bid contracts (§8-4.D).</td>
</tr>
<tr>
<td>January 2021</td>
<td>Joint Meeting with Fiscal Stability Committee with Panel of Experts on Best Practice Budgetary Procedures (Ch. 10)</td>
</tr>
</tbody>
</table>
**Issues Tracking Chart - Hamden Charter Revision Commission**

**Action Items: 12/09/2020**

**Prohibit Public Employees from Serving on LC**:  
- Public employees should not be able to serve on the LC nor should relatives of employees.  
- This poses a conflict of interest- pitting personal interest above public interest and creating a culture of distrust by residents.  
- Citizens must be able to trust their elected officials.  
- Employees currently serve at the will of the Mayor and risk their jobs if they disagree.  
- Change the rules to **disallow** Town employees, retirees or relatives of retirees or employees from serving on the Legislative Council, commissions and in the Mayoral Administrative offices.  
- Add: All persons employed by the town, BOE or have a contract with the town and persons in the household shall not be an elected official of the town.  
- Nor should anyone with family serving in upper echelon employment or elected capacity serve on any council (especially not the Legislative Council).

**December 9 2020: Counsel recommends removal of the item from consideration due to the provisions of the C.G.S. §7-421 which permits municipal employees to serve on legislative bodies and certain boards and commissions. The Commission should review Ethics provisions to ensure strict compliance.**
### Issues Tracking Chart - Hamden Charter Revision Commission

<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
<th>Research and Report</th>
<th>Relevance Discussion</th>
</tr>
</thead>
</table>

- **Recall of Mayor, BOE Members and LC Members**: Allow for recall of a mayor, BOE members and legislative council members. Presently, we have few options to allow for a recall of an elected official unless a crime has been committed. Dereliction of duty, misuse of power, failure to work or show up for work and other means of abuse of the public trust are not grounds for a recall election. We need to add this flexibility to our Charter.

- Add recall by petition for cause in Section 3-10 Removal of elected and appointed officials.

- Any Mayor or Town Manager must be answerable to the public and that includes oversight and recall ability.

| Action Item                  | December 9, 2020: Counsel recommends removal of the item from consider due to the Supreme Court ruling in Simons v. Canty: Recall is not available in the State of Connecticut. There is no express grant of authority that permits local government recall. The only recall towns are those which have special act provisions. |

### Preamble

Preamble: Charter should include language stating the “intent to value inclusivity” and “relying on general statutes to oversee our information dispensation efforts is neither just nor intentional.”

| Legal Issues/Comment/Actions | The Preamble was adopted by the last Charter Commission as an aspirational statement. The Commission will review in due course (11/10/2020). The Commission may consider heritage, equity, inclusivity and quality of life (originating with complaints regarding QU issues) (11/24/2020). |

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*Tracking Chart for Public and Other Comments Before Charter Revision Commission (SGM V.3: 9 December 2020)* - 3
## Chapter I – Definitions

- **Charter §1-4.B**: Review the term “Capital Expenditures” with Bond Counsel and make certain that it works with the budget provisions of the Charter.  

- **Charter §1-4.O**: Review the word “vote” throughout the Charter to make certain there is consistent application; unless otherwise intended.

- **Charter §1-4.O**: Review the word “cast” as set forth in this section.

- **Charter §1-4.Q + V**: Review the term “Meeting (or Hearing) Notice” and “Public Notice” re – issue of “newspaper” publication.

- **Charter 1-4 (NEW)**: Adding a definition of “inclusivity” as our town defines it.

- **Charter 1-4 (NEW)**: There are a series of comments addressed under the guise of IT infrastructure of Hamden as relates to communications, website access and interface, email correspondence and participation in remote or hybrid public meetings. While some of the issues are budgetary the Charter may include definitions of “Meetings” or “Public Participation” that could embrace these notions.

### Legal Issues/Comment/Action

These issues will require a combination of word searches and some policy choices. Town Attorney and Commission Counsel will review and propose language revisions (11/10/2020).
## Chapter II - Incorporation

**Charter §2-2 - Incorporation:** As the 11th largest municipality the time has come to call Hamden as city as opposed to a Town.

### Legal Issues/Comment/Action

- Requires a legal determination of the basis for the current classification;
- Review economic benefits of “city” versus “town” label with CCM, US Conference of Mayors or NLC (11/10/2020).
<table>
<thead>
<tr>
<th>Chapter III - Elections and Elected Officials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Charter §3-3.A(1), §3-3.C(2) and §6-1 – Status of Town Clerk</strong></td>
</tr>
<tr>
<td>o Town Clerk should be a classified civil service position(^2)</td>
</tr>
<tr>
<td>o Town clerk should remain an elected position and not become an appointed position(^2)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vera Morrison Testimony</td>
</tr>
<tr>
<td><strong>COMPARATIVE CHART</strong> of Elected and Appointed Municipal Clerks (11/10/2020).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Charter §3-3.E – Election of At-Large Members of the Legislative Council:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>o There should be more minority party members(^2); or, there should not be an increase in minority party representation(^2).</td>
</tr>
<tr>
<td>o Nonpartisan election for Legislative Council(^2)</td>
</tr>
<tr>
<td>o Eliminate at-large council members; replace nine districts with five with three members each (15 members)(^2).</td>
</tr>
<tr>
<td>o “Electors shall vote for no more than four (4) At-Large candidates.” Proposal: Replace 4 with 6(^2).</td>
</tr>
<tr>
<td>o Reduce the number of districts in Hamden in order to reduce the disparity that continues to increase(^2).</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
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</thead>
<tbody>
<tr>
<td>Registrar of Voters Testimony re – impact of districts modifications</td>
</tr>
<tr>
<td><strong>COMPARATIVE CHART</strong> re – Composition of Municipal Legislative Bodies</td>
</tr>
<tr>
<td>Panels of Municipal Officials representing different forms of government (11/10/2020).</td>
</tr>
</tbody>
</table>

| **Charter §3-3.F – Election of Board of Education:** Four Year Term\(^3\). |
| **NEW.** Make high profile positions part of the election process\(^3\). |

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
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<tbody>
<tr>
<td>No action at this time (11/10/2020).</td>
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</tbody>
</table>
### Issues Tracking Chart - Hamden Charter Revision Commission

| Legal Issues/Comment/Action | **Charter §3-5.A - Mayoral Vacancy and Succession:** Eliminate the Special Election. Currently the Council President succeeds Mayor for a period of time. There should be an option for the Council President to step aside and allow the Pro Tem to succeed as Mayor. The Town Attorney agrees that revision along the lines proposed is necessary.

| **Charter §3-5.B – Legislative Council and Town Clerk Vacancy:**
  - Vacancies on the legislative council should be filled within 3 months. If the Legislative council has a vacancy it should be filled by a majority vote of the Town Committee for a person of the same political party or affiliation as that of the person who just vacated the office. *The Legislative Council should not vote to fill this vacancy* (emphasis added by counsel).
  - Vacancies shall be filled by a majority vote of the Town Committee for a person of the same political party or affiliation as that of the person who just vacated the office.

| **Charter §3-5.C – Board of Education:** Vacancies shall be filled by a majority vote of the Town Committee for a person of the same political party or affiliation as that of the person who just vacated the office.

| **Charter §3-7 – Reapportionment of Voting Districts:**
  - Review recommended by Commissioner.
<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>December 9, 2020 (45 Minutes):</strong> Discussion with <strong>TOWN ATTORNEY AND COMMISSION COUNSEL (11/10/2020).</strong></td>
<td></td>
</tr>
</tbody>
</table>

- **Charter 3-9 (See also, Charter §7.2.B – Conflict of Interest and Ethics):**
  - **Independent and Discretionary Action of Ethics Board:** The Ethics Board should provide oversight and proactive insight not just respond to requests from LC members for opinions. The Board is in the position of guiding the ethical character of Hamden.
  - **Address Conflicts of Interest:** Address all conflicts of interest and make and enforce penalties for failing to meet such guidelines.
  - **Recognize nepotism, cronyism, and conflicts of interest as violations of the town’s charter.**

- **Charter 7-2.B – Board of Ethics.**
  - Board of Ethics members should not be appointed by the Mayor as they are called upon to review complaints concerning elected officials and town employees.
  - The qualifications of these board members should be reviewed and tightened so that public confidence can be high that there is little opportunity for conflict of interest.
  - Reconsideration of what types of issues are appropriate for the ethics commission to review is needed. Complaints from the public should be considered.
### Issues Tracking Chart - Hamden Charter Revision Commission

<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
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<th>Relevance Discussion</th>
</tr>
</thead>
</table>

- **Charter 7-2.B – Board of Ethics Authority to recommend Recusals for Legislative Council Members**. The Board of Ethics should be empowered to be able to recommend recusals for Legislative Council members that have a conflict of interest in voting (when a complaint is received)."

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Actions</th>
<th>Chapter IV - Legislative Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Charter §4-3.C - Public Comment</strong>: Review this provision for greater clarity: there should be no excuse for finding a technological platform to ensure robust public comment and live oral participation.</td>
<td></td>
</tr>
<tr>
<td><strong>Charter §4-5.C – Increase or Decrease Budget</strong>: Should include reference to Capital Expenditures and Budget?</td>
<td></td>
</tr>
<tr>
<td><strong>Legislative Council Agenda Issue</strong>: Agenda items for Legislative Council meetings should be posted a week ahead of time or automatically tabled to give the public and Council members to time to consider the issues. Enforcement of this should be strict.</td>
<td></td>
</tr>
<tr>
<td><strong>Legislative Council Oversight of Departments</strong>: The Legislative Council should be charged with closely monitoring the work of each department with regular assessment.</td>
<td></td>
</tr>
<tr>
<td><strong>Regular Financial Updates to Legislative Council</strong>: A financial update should be presented at every Legislative Council meeting by the town Finance Director or the next in charge.</td>
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</tbody>
</table>

- **Fine-tune language to ensure written comments are published as part of the public record.**
- **Consideration of remote and hybrid meeting protocols, including robust platforms to protect security to treat in-person (oral) and remote testimony equally** (11/10/2020).

- **COMPARATIVE CHART** on treatment of capital budgets and expenditures (11/10/2020).

- Already a legislative function. Not clear what more should be done.
- **Note**: Language might be considered requiring the LC to conduct a public review of all required filed reports. Council must conduct public meetings on all reports.
### Issues Tracking Chart – Hamden Charter Revision Commission

<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
<th>Research and Report</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Invite</strong> V. Horsley, Chair of Fiscal Stability Committee; or, Kristen Dolan, Chair of the Finance Committee (11/10/2020).</td>
<td></td>
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</tr>
</tbody>
</table>

- **Habitual Absence/Attendance Requirements**: Legislative Council members should have attendance requirements.

### Legal Issues/Comment/Actions

<table>
<thead>
<tr>
<th>Notice Prior to Legislative Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Legislative Council members should not be expected to vote on an item that is brought before them less than 48 hours before the vote is anticipated. It is impossible to make knowledgeable decisions that affect the entire town without more time to adequately consider the request.</td>
</tr>
<tr>
<td>o Motions are always last minute and promise dire consequences if the LC doesn’t pass this bond issue or that immediately. ..one heck of a way to “run a railroad.”</td>
</tr>
</tbody>
</table>

| Language should be developed requiring Council to follow rules as adopted (11/10/2020). |

- **Emergency Actions – Definition** and Charter §5-5.C – Emergency Powers: Delivery of a request later than 48 hours should only be allowed in an emergency. The meaning of emergency should be defined.

<p>| TOWN ATTORNEY/COMMISSION COUNSEL will review Charter provisions regarding emergencies (11/10/2020). | | |</p>
<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
<th>Research and Report</th>
<th>Relevance Discussion</th>
</tr>
</thead>
</table>
### Chapter V - The Mayor

**Charter §5-2.D (2) – Contract Approvals:** Should contracts without fiscal impact be subject to legislative approval?  

**Legal Issues/Comment/Action Items**

- **TOWN ATTORNEY** to provide examples (11/10/2020).

**Charter §5-5.C – Emergency Powers:** See, above

### Chapter V - Mayor-Council versus Council Manager Form of Government and Chief Administrative Officer

**Professional Town Management – Transition to Town Manager:** Hamden should move to professional rather than political leadership…a town manager form of government with a focus on expertise in finance, administration, budget making and contract management as required skills.

- The need for a fiscally responsible Town Manger to run Hamden.
- Establish a City Manager Governmental Structure.
- Seriously consider changing to a town manager form of government: Our town is in financial ruin and needs a highly trained and skilled professional with a dedicated, knowledgeable team to lead us out of this situation by addressing our serious management problems.
- Town Manger would run a tighter ship than a Mayor.
- Make Hamden a Town Manger system of government. “Let’s have a professional running the town’s affairs professionally.”
- “We need a change to a town manager.”
“Could we be worse off with a professional approach to our finances and managing our town” than the current form of government and “the history of cronyism, and mismanagement?” Hamden would be “better served by a different approach….a Town Manager form of government.”

Hamden needs (1) “…a professional who can make decisions to manage our budget without owing (sic) their re-election to the unions and employees that put a Mayor in position,” (2) “ someone with professional qualifications and skills to pull the town out of the financial quagmire it is in (and has been in for some time), and (3) “We need a qualified, experienced town manager to dispassionately evaluate our situation and implement common-sense, fiscally responsible solutions based on established best practices and professional standards. Someone who will devote all of their time to focusing on the best interests of the town and its taxpayers instead of re-election bids, personal and partisan conflicts, and other distractions.”

Strongly supports “a shift toward the town manager model (away from mayoral system)… (due to) mismanagement…profligate spending and ever-rising property taxes.”

The only solution is to dissolve the position of mayor and to appoint a Town Manager, who is qualified and bold enough to begin to deal with the problem and who will be held to account for her or his performance.”

Change from a mayoral system to a Town Manager system…due to the “town’s dire financial situation” which “requires professional, competent fiscal and administrative leadership…It would be an improvement if the town were managed by a qualified professional who that their job was dependent on performance, and whose appointment was not based on politics.”

We write to support those town residents who are urging a change from the current mayoral system to a Town Manager system. We strongly believe that that such a changed system would be in the long term interests and to the real benefit of all residents. However, strong safeguards must be included to ensure that the Town Manager role would not become politicized (sic), taking us out of the frying pan into the fire.

Favors Town Manager and “a worthy, collegial and intelligent leader…with the thoughtful, responsible qualities of Ned Lamont.”

A City Manager’s prime role is budget management and the Legislative Council can require this or fire the City Manager. “Legislative Council can’t fire the Mayor…can’t even discipline the Mayor. For those of you who have watched over the last several years, the presentations to the LC by the Mayor and his staff, you will have heard how desperate Hamden is to borrow more money. The explanation is that we have to borrow or we will not have cash to pay our bills.”
<table>
<thead>
<tr>
<th>Issues Tracking Chart – Hamden Charter Revision Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Substantial Due Diligence</strong></td>
</tr>
<tr>
<td>o Have the Council hire a Town Manager for an initial five years. The candidate must have a proven track record in managing a multimillion dollar business and must possess relevant academic credentials (a genuine MBA, perhaps). A referendum toward the end of his/her contractual term will determine whether or not we return to a Mayor-Council form of town government.⁷⁴</td>
</tr>
<tr>
<td>o <strong>Eliminate Strong Mayor Form of Government⁷⁵</strong>: We need a professional person in charge of the “business” of Hamden. Currently, we have been operating as if we are a mom and pop business with very little to no professional expertise at the mayoral/administrative level. Could we change the Charter to allow for the possibility of having a Town or City Manager⁷⁶?</td>
</tr>
<tr>
<td>o “The mayor system we have with this mayor and others has been a disaster for Hamden. Time to have someone hired who works on the job, and thinks of the best for the town⁷⁷.”</td>
</tr>
<tr>
<td>o “…distressed with how years of mismanagement by mayors of Hamden have resulted in our beloved town being in serious financial straits…(revise the charter) to a Town Manager rather than a Mayor (sic) bring responsible for carrying out the directives of our Town Council⁷⁸.”</td>
</tr>
<tr>
<td>o <strong>Ideas for a New Hamden</strong>: Council should supervise a town manager and consider outsource services provided to the Town, citing the example of Sandy Spring GA (pop. 100,000 +/-)⁷⁹.</td>
</tr>
<tr>
<td>• <strong>Long Term Planning and Sustained Strategic Planning</strong>: “A process/organizational structure that supports long-term initiatives. While I’m not suggesting that a Town Manager would be the only way to help ensure a sustained strategic planning and implementation process, there is a need for stable and secured leadership and organizational structure that can work beyond the political ebbs and flows to get big things done⁸⁰.”</td>
</tr>
<tr>
<td>• <strong>Fiduciary Responsibilities and Incentives.</strong></td>
</tr>
<tr>
<td>o I would like to see the mayor, a town manager and most importantly, the Legislative Council be “fiduciarily” responsible. At the present time, it is my understanding that no one in the elected offices has any responsibility for making sure that we are fiscally responsible as a town. When I was Chair of the Hamden Mental Health Commission, we had fiduciary responsibility. It is a big deal, but it makes commissioners realize that they have to attend to finances in a responsible manner. You can be sure that I had personal insurance!! I believe the Board of Education has fiduciary responsibility. Could you please consider adding this to the new Charter⁸¹?</td>
</tr>
<tr>
<td>o Whether a mayoral or city manager type government, there should be incentives for the person(s) in charge to be efficient and</td>
</tr>
</tbody>
</table>
to hold down costs so that Hamden might regain its reputation as an attractive place to live. Incentives do not include getting re-elected. It seems evident that our current mayoral systems can be influenced by political considerations, not the common good of the town. Where is the transparency?

- **Retain the Mayor/Council Form of Government.** There current government is the Mayor Council form as opposed to a strong Mayor form of government.
  - We should not allow our frustration with our present situation to push us to make changes to our Charter that will alter the character of our town; in other words, you shouldn’t change the Charter on the basis of opinion of the current occupant or politics.
  - Accountability is rooted in the “direct…vote for our Mayor every two years.” The chief executive must be answerable to the public.
  - There is no evidence that Town Manager governments are more efficient.
  - **Assessment of Legislative and Executive Functions.** If there is a problem with the form of government you need to assess the executive and legislative functions.
  - **Is the Legislative Council Capable of Managing and Overseeing the Town Manager?** Concerned about placing authority in the hands of the Legislative Council; in effect, as the employer of the Town Manager.
  - **How Do You Hold the Town Manager Accountable?** Town Manager would be accountable to Legislative Council, which is not equipped to manage the town.
  - **Fiscal Responsibility.** If you go the Town Manager route you may consider throwing in a Board of Finance to supplant some of the budgetary authority of the Legislative Council.
  - **Voter Suppression:** Taken away the right to vote for the municipal chief executive officer is a form of voter suppression: “I prefer to have a direct voice in the selection of the town leadership. There are too few opportunities for me to express my opinions and concerns. I don’t want to feel like some council members for whom I did not vote will govern the town by proxy. Let’s do all we can to encourage direct voter participation in the electoral process. Anything that deters from that process...
is in fact undemocratic. That’s the last thing we need at this time… (In light of) recent events surrounding our recent national election call attention to the fact that democracy must be preserved at all costs. Diversity of opinion is a hallmark of our electoral system. Indeed, diversity of opinion is one strength of this town’s discourse. But, in the final analysis, we must avoid having electors run our government. Power must reside directly in the hands of the people, even in financially troubled Hamden. I’m convinced that, given equal opportunity, brilliant minds in this town will advocate for solutions other than a system of town manager.”

- **Establish the Office of Chief Administrative Officer/Chief Operating Officer**[^95]. As an alternate to Town Manager is a strong and independent Chief Administrative Officer/Chief Operating Officer:
  - appointed by Mayor, who remains chief executive officer, and approved by Council;
  - five year term governed by contract;
  - professional qualifications;
  - clear delineation of responsibilities;
  - department heads report on operational and administrative matters to CAO who reports to Mayor; and,
  - termination by Mayor effective upon approval of the Legislative Council.

- **Finance Director: A Civil Service Position**[^96]. The Finance Director ought to be a civil service position and not one where he/she serves at the pleasure of the Mayor from administration to administration. One of the reasons the town’s finances are the way they are today is due in part to the lack of continuity in that position, which in the past has been filled by some less than qualified individuals, especially at the most recent turn of the century.

- **Do Not Change the Charter**[^97]. Hamden should not “revise the charter in favor of a town manager. Harry Reid and Mitch McConnell both change the rules of Congress because they do not like the results of the moment…We in Hamden should not follow that path. I am not happy with the mayor and his fiscal governing of this town. That said I do not think we should throw the baby with the bathwater do not change the charter.”

---

[^95]: C.G.S. §7-193 requires the designation of a chief executive official. The options are:
<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action Items</th>
<th>Substantial Due Diligence</th>
<th>Research and Report</th>
<th>Relevance Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>• First Selectman</td>
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<tr>
<td>• Mayor elected by the electors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Chief Administrative Officer appointed by the Mayor.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>• Chief Administrative Officer appointed by the Board of Selectman</td>
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<tr>
<td>• City/Town Manager appointed by the Board of Selectman, Council, Board of Directors or Board of Alderman</td>
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</table>

**Note 1:** Any municipality having a manager as its Chief Executive Officer may also have a Mayor who shall be the presiding member of its legislative body, the ceremonial head of the municipality and shall have such other powers and duties that the charter prescribes.

**Note 2:** Again, the powers, duties and term of office of the Chief Executive Officer shall be prescribed by the General Statutes and he or she shall have such other powers and duties as the charter prescribes.

**Note 3:** Review Town of Clinton

**Note 4:** Prepare **COMPARATIVE CHARTS** and Panel Discussions

**Next Steps**

Substantial Public Review utilizing panels and background materials: CCM, COST, ICMA\(^{98}\), National Civic League
### Chapter VI - Town Clerk

- See Charter Chapter III

### Chapter VII - Boards and Commissions

- **Transparency, Public Input, Openness and Budget Cooperation and Consolidation for all departments, including the Board and Department of Education:**

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Actions</th>
<th>Issue generated by the Commission (11/10/2020).</th>
</tr>
</thead>
</table>

- **Charter §7-1.E – Dual Appointments:** What is the status of regional board appointments?  

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Actions</th>
<th>Town Attorney/Commission Counsel will review legal issues (11/10/2020).</th>
</tr>
</thead>
</table>

- **Charter §7-1.I – Restrictions on Civil Service and Ethics Appointment:**

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Actions</th>
<th>Commission to review restrictions (11/10/2020).</th>
</tr>
</thead>
</table>

- **Charter §7-1: Qualifications for Boards and Commissions:**
### Issues Tracking Chart – Hamden Charter Revision Commission

<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
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<th>Relevance Discussion</th>
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</table>

#### Legal Issues/Comment/Actions
- Commissions should be made up of people who have some experience in the area they are serving.
- The Legislative Council should be responsible for overseeing that such nominated persons are appropriate for the job they are being asked to do.

#### Legal Issues/Comment/Actions
- **Charter §7-1: Regularly Scheduled Meetings of Boards and Commissions**¹⁰²:
  - Commissions should be required to meet regularly at least 10 months out of the year.
  - For some reason, the Police Commission did not meet for several months this year (while other commissions met regularly).
  - This severely limits the public's access to the commission and to raising issues of public concern.

#### Legal Issues/Comment/Actions
- **Charter §7-1: Mandate Regular Meetings of Commissions**¹⁰³.

#### Legal Issues/Comment/Actions
- **Charter §7-1: Attendance and Regular Meeting Requirements**¹⁰⁴. Boards and Commissions should have attendance requirements and meetings should be held 10 months per year.

#### Legal Issues/Comment/Actions
- **New: Consideration of remote and hybrid meeting protocols, including robust platforms to protect security to treat in-person (oral) and remote testimony equally**¹⁰⁵.

#### Legal Issues/Comment/Actions
- Regular monthly meetings/sufficient cancellation notice/public petition (11/10/2020).

#### Legal Issues/Comment/Action
- **Charter §7-1: Public Input**¹⁰⁶. Ensure public input, oral and written, in all matters

#### Legal Issues/Comment/Action
- See, Legislative Council provisions, above.
<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Charter §7-1</strong>: Term limits for Board and Commission Members.</td>
<td></td>
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<tr>
<td></td>
<td><strong>Counsel to review authority for term limits.</strong></td>
</tr>
<tr>
<td><strong>Charter §7-1: Inclusivity</strong>. The Town and its officials should “…be demographically proportionate to its population, which is how inclusivity on the part of municipalities is generally defined….the Mayor’s Office, the Legislative Council, the Board of Education and other town Commissions should represent, in its population make-up, our town’s demographics--namely, gender, race, age, income status, neighborhood, and/or political affiliation.” Charter only mentions political affiliation…”inclusivity equals representation of the actual demographics makeup of our town’s population (i.e. proportional representation):”</td>
<td></td>
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<tr>
<td></td>
<td>o Including an addendum that clearly delineates the town’s demographics, with advisement to update and consult this addendum in all future Charter revisions.</td>
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<tr>
<td></td>
<td>o Replacing any language that spells out “political party” requirements or restrictions with comprehensive demographic requirements or restrictions: namely, the inclusion of race, gender, age, income, etc. as a criteria for both elected and appointed governing persons. (Chapters III, IV, V, VI, VII, VIII, and IX.).</td>
</tr>
<tr>
<td><strong>Charter 7-2.B (See, §3-9, above) – Board of Ethics and Board of Ethics Authority to recommend Recusals for Legislative Council Members</strong>.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Counsel to research issue of language to guide appointing authority to consider a range of demographic factors in the appointment of board and commission members</strong></td>
</tr>
<tr>
<td><strong>December 9, 2020 (30 Minutes): Discussion with TOWN ATTORNEY, ETHICS CHAIR AND COMMISSION COUNSEL (11/10/2020).</strong></td>
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</tbody>
</table>
### Issues Tracking Chart – Hamden Charter Revision Commission

<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
<th>Research and Report</th>
<th>Relevance Discussion</th>
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</table>

- **Charter §7-2.A (2) – Membership of Civil Service Commission:** Three appointees are too few\(^{111}\). Civil Service-increase by 2 members. 3 members are not sufficient. Establish fair hiring practices and determine what constitutes conflicts of interest in hiring\(^{112}\).

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Comparability Chart on composition/size of Civil Service Commissions</td>
</tr>
<tr>
<td>- Counsel to review statutory restrictions on service</td>
</tr>
</tbody>
</table>

- **Charter §7-5.A – Board of Assessment Appeals\(^{113}\):** There should be expanded membership.

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Talk with Town Attorney re – composition of Board of Assessment Appeals and other boards and commissions.</td>
</tr>
</tbody>
</table>
**Chapter VII - Police Commission, Civilian Review Board and Fire Commission**

- **Charter §7-2.C – Restructuring of the Police Commission**\(^{114}\): Police Commission Membership should be expanded to 9 members representative of each of the Council Districts
  - Qualifications should be established for members to assure broad representation and backgrounds.
  - CRB limited by the content of CRBs…an ordinance not a Charter issue.

- **Charter §7-2.C – Restructuring of the Police Commission**\(^{115}\): Instead of 9 districts there should be three with three members each subject to minority party representation.

- **Charter §7-2.C – Police Commission**\(^{116}\): Membership should be expanded.

- **Create Civilian Review Board**\(^{117}\), with subpoena powers as first line of discipline\(^{118}\)

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th>A Civilian Police Review Board (“CPRB”) may now be established by Ordinance pursuant to Sec. 17 of P.A. 20-1(^{119}). The following are the ordinance provisions permitted by statute:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Scope of CPRB Authority [§17(a)(1)](^{120});</td>
</tr>
<tr>
<td></td>
<td>• Number of CPRB members [§17(a)(2)];</td>
</tr>
<tr>
<td></td>
<td>• Process for the selection of CPRB members, whether elected or appointed [§17(a)(3)];</td>
</tr>
<tr>
<td></td>
<td>• Term of office for CPRB members [§17(a)(4)]; and</td>
</tr>
<tr>
<td></td>
<td>• Procedure for filling any CPRB vacancy [§17(a) (5)].</td>
</tr>
<tr>
<td></td>
<td>Subpoena Authority of CPRB to:</td>
</tr>
<tr>
<td></td>
<td>• Compel the attendance of witnesses before such board [§17(b)(1)]; and</td>
</tr>
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<td></td>
<td>• Require the production for examination of any books and papers that such board deems relevant to any</td>
</tr>
<tr>
<td></td>
<td>matter under investigation or in question [§17(b) (2)].</td>
</tr>
<tr>
<td></td>
<td><strong>Stay of CPRB Actions.</strong> Upon written request of the Office of Inspector General (“OIG”) [§17(d)] the CPRB</td>
</tr>
</tbody>
</table>

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**Tracking Chart for Public and Other Comments Before Charter Revision Commission (SGM V .3: 9 December 2020) - 23**
<table>
<thead>
<tr>
<th>Substantial Due Diligence</th>
<th>Research and Report</th>
<th>Relevance Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>“...shall stay and take no further action in connection with any proceeding that is the subject of an investigation or criminal prosecution that is being conducted pursuant to said section or section 51-277a of the general statutes.” The stay:</td>
<td></td>
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</tr>
<tr>
<td>• Shall not exceed six months from the date on which the civilian police review board receives such written request from the Office of the Inspector General; and</td>
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</tr>
<tr>
<td>• May be terminated sooner if the OIG provides written notification to the civilian police review board that a stay of proceedings is no longer required</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Issues/Comment/Action</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Charter §7-2.D – Fire Commission</strong>¹²¹: Membership should be expanded in line with the Police Commission.</td>
<td></td>
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</tr>
<tr>
<td><strong>Charter §7-2.C and D</strong>¹²²: Police and Fire Commissions should have staggered terms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Police and Fire Commission should be lodged with the responsibility for reviewing the respective collective bargaining agreement in order to consider best practice revisions and also take into account budgetary constraints inherent in such agreements, including but not limited to overtime, minimum staffing and other requirements.</td>
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<td></td>
</tr>
<tr>
<td><strong>Charter §7-2.F and 8-7.A: Housing Patterns.</strong> &quot;One of those big things needs to be to take a look at policies and regulations related to housing patterns and revise those that provide road blocks to developing more integrated neighborhoods. Our schools must become more integrated, and if we are to provide some degree of neighborhood schools, it stands to reason that our neighborhoods must become more integrated. Otherwise, our schools will have no other choice but to integrate our schools outside the neighborhood’s attendance zone practice.&quot;¹²³</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Issues/Comment/Action</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Develop aspirational language that provides a foundation for action by regulatory boards, commissions and officials (11/24/2020).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Oversight Commissions.</strong> Further there should be an oversight committee for police beyond the present Police Commission which is apparently more of a do-nothing “yes” club than any kind of oversight commission. Similarly for energy, Public Works etc. Oversight committees and commissions in general should be made up of people from every district none of whom hold any office nor have any</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantial Due Diligence</td>
<td>Research and Report</td>
<td>Relevance Discussion</td>
</tr>
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</tr>
<tr>
<td><strong>Issues Tracking Chart – Hamden Charter Revision Commission</strong></td>
<td></td>
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</tr>
</tbody>
</table>
| upper echelon employment relationship with the Town. Nor should anyone serving on these commissions and committees have any business or employment relationship with the service under said committee or commission purvue (sic). In all cases, no one with ties to any utility or other service-to-the-Town company hold any position on the Legislative Council.  

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th>Further discussion required.</th>
</tr>
</thead>
</table>

### Chapter VIII - Departments and Department Heads

- **Transparency, Public Input, Openness and Budget Cooperation and Consolidation for all departments, including the Board and Department of Education:**

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th>Issue generated by the Commission (11/10/2020).</th>
</tr>
</thead>
</table>

- **Charter §8-2:** Should consider permitting longer contracts for municipal employees.

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th>Further discussion with President McGarry</th>
</tr>
</thead>
</table>

- **Charter §8-2:** New provisions governing the conduct of Department Heads, as follows:
  - Department heads should report to the mayor and respond to requests and questions from the Legislative Council on a timely basis to allow informed decision making by the Council. This past year, department heads were instructed not to speak to LC members at a time when critical budgetary deliberations were transpiring and council members could not get needed information from the department heads.
<table>
<thead>
<tr>
<th>Issues Tracking Chart – Hamden Charter Revision Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Substantial Due Diligence</strong></td>
</tr>
<tr>
<td>Department heads (or assistant) that have a direct interest in any item on the council agenda should be required to be available at the council meetings to answer questions that might arise in the meeting(^\text{127}).</td>
</tr>
<tr>
<td><strong>Legal Issues/Comment/Action</strong></td>
</tr>
<tr>
<td>The Council regularly has questions at the council meetings that go unanswered because the department head or assistant is not available to answer their questions(^\text{128}).</td>
</tr>
<tr>
<td><strong>Legal Issues/Comment/Action</strong></td>
</tr>
<tr>
<td>All Department Heads should have required certifications in place prior to being hired(^\text{129}).</td>
</tr>
<tr>
<td><strong>Legal Issues/Comment/Action</strong></td>
</tr>
</tbody>
</table>

### Chapter IX - Board of Education

No issues at the present time.

| Legal Issues/Comment | Please note that the austerity issues set forth below may or should include a discussion of ways and means to consider administrative consolidations of services, such as procurement, personnel and finance. |
### Chapter X - Budget

- **Capital Budget and Expenditures**: Budget process should be reviewed including Charter §10-3.C “Proposed Capital Expenditures.”

<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th>Consideration of Joint Session with Fiscal Stability Committee on General Fund and Capital Budget Planning and Standards, including concept of gross budget, i.e. grants: Panel Discussion (11/24/2020).</th>
</tr>
</thead>
</table>

- **Austerity Measures I**: Hamden is headed into very serious and difficult financial times. For the next 15-20 years, Hamden will have to start paying back the money that has been borrowed and the pension payments that have been delayed. This will mean severe austerity measures will have to be evaluated and implemented. Some say it is inevitable that the State’s financial oversight body, MARB, will be coming in to require more responsible budgeting including a 3-5 yr. financial plan that shows a balanced budget. The difference between that scenario and the past years which supposedly showed passage of a balanced budget is that MARB will not tolerate budgets with padded revenues and understated expenses which have characterized recent years’ budgets.

- **Austerity Measures II**: The approach to taxes needs to be re-engineered. How about first setting a reasonable mill rate, then based on the grand list sources of income, including property to be taxed, determine the total town budget –that is, how much can be spent. All expenditures by the town would sum to this amount and no overages allowed. A reasonable mill rate should reflect our “competition” in other CT towns that seem to get things done efficiently –this could be based on a quick sampling from e.g. Milford, Cheshire, North Haven, etc. Allocate the total budget amount, and make all departments and potential expenditures justify their budgets and live with the allocation they are given. Focus on value-added activities and minimize/eliminate administrative and supervisory activities.

- To extent & format possible I suggest that short (annual), mid, and long term priorities are presented in a specific format so these can be provided to Hamden's State Legislative delegation. This would allow tracking progress to alleviate chronic state under-funding of our public schools and municipality, and other challenges & roadblocks.
<table>
<thead>
<tr>
<th>Legal Issues/Comment/Action</th>
<th>This matters may be more appropriate for the Legislative Council (11/24/2020).</th>
</tr>
</thead>
</table>

- **Regulation of Student Rentals in Residential Neighborhoods**: Differential taxation for owners as may be true of shoreline properties.

- **Permits for Quinnipiac Rental Homes**: Cost too low, police regulations, required annual renewals, front lawn parking restrictions, neighborhood cap on student housing: (1) Regulate density of QU rental houses; (2) Charge higher fees and renewals to rental housing landlords; (3) Provide landlord name and contact info to neighbors; (4) Give more power to noise, blight and public nuisance ordinances; (5) Revoke permits from repeat offenders; and (6) Prohibit auto-renewal of rental permit when houses are sold.

- **QU Student Housing**: Charter should contain a three strike policy which would revoke student housing permits after three "legitimate" complaints.
### Issues Tracking Chart – Hamden Charter Revision Commission

<table>
<thead>
<tr>
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<th>Relevance Discussion</th>
</tr>
</thead>
</table>

- Increase the number of rental permits from $300.00 to $5,000.00 and renewal fee from $150.00 to $1,500.00.\(^{143}\)

- Concerns regarding QU students\(^{144}\): (1) Increasing number of homes that have cars from parked on lawns and on the streets; (2) Traffic law violations...by these students. Running stop signs and traffic lights; (3) Our quiet community is changing and more residents are moving out and more students moving in. Not to mention litter is on the rise; and (4) Noise is also a concern with loud music and with parties that seem to occur without regard to the working class people in the neighborhood.

- Increase the Planning and Zoning department to so they are better equipped to deal with issues such as Paradise Nursery and Quinnipiac rental properties.\(^{145}\)

### Legal Issues/Comment/Actions

Refer to Legislative Council and other planning and enforcement entities. Aspirational language pertaining to the “quality of life” may be considered in the Preamble.

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9. Submission by Lee Lee McKnight, Putnam Avenue: 10/13/2020. Note: “The preamble itself can set forth a stronger, clearer commitment to all the citizens of our Town. Merely listing inclusivity as a foundation doesn’t do service to the purposeful, challenging, and necessary work this Commission has undertaken to ensure this document adequately expresses the intentions of the Town of Hamden. A preamble highlights the spirit of a Town, and sets forth the tone in which the Town’s Charter has been written or revised. As such, a clear, convincing statement of Hamden’s Intent to be inclusive must be included. More than a herald of our progressive values, this declaration must delineate the criteria by which we shall judge whether our value of inclusivity is being realized.”
17. Submission by Elaine Dove, Santa Fe Avenue: 9/21/2020. Note: “We must change the IT infrastructure to allow a more robust system in the Town government and in the BOE. Last year we had 3 months of no internet in the public schools (prior to the Pandemic closing) and the Town government email server regularly spits back emails as undeliverable. This is unacceptable because it limits the public’s ability to contact the members of their town government.”
18 Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “Zoom and other technology that makes it possible for the public to participate in their local government meetings should be required to be used by the town even after the pandemic is over. It makes participation in our town government possible without the need to travel which can be difficult if you lack a car or a ride or mass transit is not available.”

19 Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “The town IT dept. must be capable of providing services needed to run our town so that email and other communications are reliable. There has been an ongoing problem with email delivery to town offices since at least January 2020. Emails are blocked, bounced, marked undeliverable etc. In a pandemic where town offices are closed, this is especially serious. In a democracy this is unacceptable.” See also, Elain Dove, Santa Fe Avenue: 9/21/2020.

20 Submission by Elian Dove, Santa Fe Avenue: 9/21/2020. Note: Hybrid Meeting Participation: “Hamden resident participation in public commission meetings has risen dramatically with the commission meetings broadcast via Zoom. It is important that we allow Zoom (or Zoom like) access to all public meetings after the Pandemic is over. The public should be allowed to speak at all public meetings via accessible, non-in person means. The public should have access to all public meetings via a recording which would be posted no later than 5 days after the meeting was held. All minutes, agendas and back-up materials need to be posted consistently and in a timely manner in accordance with FOI requirements.


22 Public Testimony of Council President Mick McGarry 10/14/2020

23 Submission by Diane Hoffman, Wilmot Road - 9/27/2020

24 Public Testimony of Council Minority Leader Betty Wetmore: 10/14/2020


26 Submission by Joseph McDonagh Whitney Avenue: 9/22/2020.

27 Submission by Joseph McDonagh Whitney Avenue: 9/22/2020


32 Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “The 7th District has not had a council representative for almost 2 years. Initially due to illness and then unfortunately, due to the death of our Representative. The people of the district need and are entitled to a representative they can turn to for their district concerns, just as every other district has.”

33 Submission by Diane Hoffman: 9/27/2020

34 Submission by Sean Grace: 9/22/2020

35 Submission by Sean Grace: 9/22/2020

36 Issue raised by Commissioner Kaye: 10/14/2020.

37 Submission by Lee Lee McKnight, Putnam Avenue: 10/13/2020.


39 Submission by Elain Dove, Santa Fe Avenue: 9/21/2020


41 Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “While reviewing the Charter, the possibility of conflict of interest should always be kept in mind and addressed as needed. Concerns over conflict of interest are constant and abundant in Hamden. There should be requirements addressing when town officials and employees must recuse themselves from participating in making a decision on a specific item.”

42 Submission by Stephen Marsh, PhD, Blake Road: 10/19/2020.


44 Public Testimony of Town Attorney Sue Gruen: 10/14/2020.


50 Submission by Stocky Clark: 9/22/2020: “Under Mayoral leadership over the years, the Town has moved slowly but surely to huge indebtedness ($1.1 Billion or $18,000 per resident)... Our regular deficit budgets has led to the borrowing that has created this huge indebtedness which in turn has led to regular downgrading of our bond status to one step above “Junk bond” with a negative outlook. Poor, incompetent or willful mismanagement of the budget seems to have been accepted for years.”


52 Public Testimony of Town Attorney Sue Gruen: 10/14/2020.
Submission by and Public Testimony of Judy G. Clark, Ridge Road: 9/21/2020 and 9/22/2020, respectively. Public Testimony from Stocky Clark: 9/22/2020. Submission of Joy Bush: 11/19/2020: “I believe it would be in Hamden’s best interest to move from a mayoral system of government to a Town Manager system. I know that Ann Altman would be extremely qualified to start this migration process and has even offered to assume duties for two years without pay to do this. We must not miss this opportunity.” Submission of Momoko Ishu: 11/18/2020: supportive of “support Ann Altman's position to have a town management system for the city.”

Note: Ms. Clark also promoted the proposed West Haven Charter revisions which are on the ballot next month. Stock Clark also added the following: “A City Manager by training and experience will have had experience in all areas of municipal administration including fiscal management, budget oversight, personnel administration and labor negotiations. We need that level of expertise to manage the difficult times ahead. We need someone who can take charge of our finances and still maintain the quality of services which we all want.” See also, Arturo Perez: 10/21/2020. See also, Franklin Edward-Flewelling Getchell: 10/21/2020. Note: “I would like to add my very strong agreement that it’s time to change the management of Hamden to a Town Manager form of government. The extreme level of debt this small town owes is unconscionable and is trackable directly to cronyism and mismanagement for the past many years. It’s equally clear that the fact of a mayoral election every two years means that any candidate is hostage to the unions whose votes the candidate must have. Given that this is our setup currently, the only and best recourse is to change the form of town governance. I totally support Ann Altman's offer to run as Hamden's last mayor, one who will transition us to the only way the town can survive: Town Management.”

Submission by Victoria Simiola: 9/28/2020; See also submission from Kathleen Halloran: 11/24/2020
Submission by Joseph McDonagh, Whitney Avenue: 9/22/2020.
Submission by Ann M. Altman Ph.D., Blake Road: 10/19/2020.
Submission by Stuart Gardner, Blake Road: 10/19/2020.
Submission by John E. Papin, Jr.: 10/19/2020.
Submission by Stephen Marsh, PhD, Blake Road: 10/19/2020.
Submission by Nate Lerner, Lamkin Street: 11/30/2020
Submission by Peter C. Patrikis, Giles Street: 10/19/2020.
Submission by Mark Eggeman, Hamden Homeowner: 10/19/2020.
Submission by NC & DS Wakerley, Blake Circle: 10/19/2020.
Submission by Sheila D. Bretteville, Deepwood Drive: 10/19/2020.
Submission by Deborah Smith: 11/19/2020
Submission by Gary Walsh: Main Street: 11/21/2020
Submission by Jody Las Goeler, Superintendent, Hamden Public Schools: 10/19/20.
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Submission by Gary Walsh: Main Street: 11/21/2020
Submission by Jody Las Goeler, Superintendent, Hamden Public Schools: 10/19/20.
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<th>Relevance Discussion</th>
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<td>104 Public testimony and written submission of Diane Hoffman, Wilmot Road - 9/22/2020 and 9/27/2020, respectively. Note: The police commission did not meet for an excessive number of months while residents had serious concerns to discuss.</td>
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<td>118 Public Testimony of Rhonda Caldwell: 9/22/2020 and submitted testimony of Diane Hoffman, Wilmot Road: 9/27/2020. Note from Hoffman testimony: “This is needed to address the recognized inequities in our criminal justice system nationwide and locally. It will help Hamden address our concerns and is needed to restore confidence in our police department so all residents feel safe.”</td>
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<td>119 P.A. 20-1, §17(c) does not apply to Hamden: “The provisions of this section shall not be construed to affect the operation of, or impose any limitation upon, a civilian police review board established prior to the effective date of this section.”</td>
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<td>120 Statute is silent on the scope of authority. If we proceed on this issue I will provide you with further legal background on the interplay between this new express statutory authority and the long-standing statutory authority for collective bargaining agreements. It is interesting because P.A. 20-1 anticipates CPRB “proceedings” although does not state that those proceedings</td>
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Tracking Chart for Public and Other Comments Before Charter Revision Commission (SGM V .3: 9 December 2020) - 33
Submission by Elaine Dove, Santa Fe Avenue: 9/21/2020; and, Submission by Diane Hoffman, Wilmot Road: 9/27/2020 who noted: “There are concerns regarding nepotism. There are concerns that the town is not getting the best deal in quality and cost. The resulting contracts should have expiration dates. These bids seem to be used to rush transactions through the process and are often presented to the council at the last minute when a vote is needed immediately. Establish rules specifying when a no-bid contract can be used and consequences for abuse.”

Submission by Diane Hoffman, Wilmot Road: 9/27/2020. Note: “We are in a climate crisis. Our trees are precious natural resources that provide hundreds of thousands of dollars in services to our community, not the least of which is fighting climate change. Governor Lamont has issued Executive Order #3 and working groups have been meeting for months to develop plans on mitigation, adaptation and resiliency to address the crisis. The critical importance of protecting and planting trees is a part of many of the working groups including Science and Technology and Equity and Environmental Justice. The GC3 working groups are encouraging all attendees to address the climate crisis on the local level and call for action locally as well as on the state level. In order for our Tree Warden to have the knowledge and skills to do the job properly and fully and to make difficult decisions, he/she must be a certified arborist. Please see the attached Benefits of Trees.”


Submission by Arturo Perez: 10/21/2020.

Submission by Patricia Mary Mclaughlin: 9/22/2020.

Submission by Cheryl Kasprzycki, Paradise Avenue: 9/22/2020.

Submission by Wendy Santamauro: 9/21/2020 and 9/22/2020, respectively.


Submission by Monique Simmonds: 9/24/2020.

Submission by Victoria Simiola: 9/28/2020