

**CHARTER**  
**OF THE**  
**TOWN OF HAMDEN**  
**Connecticut**



**Hon. Scott D. Jackson**  
**Mayor**

**Hon. Vera Morrison**  
**Town Clerk**

**Adopted by the electors of the Town of Hamden  
and effective thereupon, November 8, 2011**



**CHARTER  
TOWN OF HAMDEN**

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## PREAMBLE

Hamden's strength, inclusiveness, and innovation are the foundation of our community. To ensure our continued growth and that future generations reap the rewards of our unique spirit, we embrace the provisions of this Charter which is a blueprint for ethical, professional, and honest government. The words of this Charter create structures designed to meet the needs of the people, conserve our natural and public resources, make efficient use of technology and enhance our economy. To these ends, and in recognition of the sacrifices by those who came before us and by those who will follow us on this journey of self-governance, we, the Electors of the Town of Hamden, pursuant to the provisions of Chapter 99 of the Connecticut General Statutes, as amended, do approve this Charter for the Town of Hamden.

Adopted by the Electors of the Town of Hamden - November 8, 2011<sup>1</sup>

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<sup>1</sup> **General Historic Note:** This version of the Charter replaces the Charter that was amended on November 8, 1983. The 1983 Charter was the most recent revision of the original Charter which was effective, January 1, 1966. The amended and revised Charter was recommended to the Legislative Council by the Charter Revision Commission on July 21, 2011. The Commission was comprised of the following members: Rev. K. Dexter Cheney, Chair; Michele Mastropetre, Vice Chair, Cherie Gabrielle Phoenix, Secretary; Jennifer Cutrali; Richard DePodesta; Laura Freebairn-Smith; James A. O'Brien; Richard Reilly; and, Walter Rochow. Attorney Steven G. Mednick and Kimberly Renta, served as Special Counsel and Clerk, respectively.

The Legislative Council approved the proposed Charter on August 1, 2011. The Legislative Council was comprised of the following members: James J. Pascarella, President; Michael R. Colaiacovo, Jr., President pro tempore; Kathleen M. Schomaker, Majority leader; Raeann Curtis, Minority leader; At Large Representatives Al Gorman, Jack Kennelly, Carol I. Noble and Elizabeth S. Wetmore; and, District Representatives Michael W. Iezzi, Gabriel I. Lupo, Oswald Brown, David R. Hennigan, R. Thomas Rousseau, John J. DeRosa and Lynn D. Campo.

The electors of the Town of Hamden approved the amended and revised Charter on November 8, 2011.

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**CHAPTER I: CONSTRUCTION OF THE CHARTER OF THE TOWN OF HAMDEN**

**SECTION 1-1: TITLE.**

The title of this Act shall be the "Charter of the Town of Hamden".

**SECTION 1-2: DEFINITIONS AND TITLES GENERALLY.**

The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Sections are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

**SECTION 1-3: TIME OF APPOINTMENTS AND MEETINGS GENERALLY.**

Except as otherwise provided in this Charter, any appointment to office or election by the Legislative Council to fill a Vacancy required herein to be made on or before a certain Day shall be, if made after that Day, as valid and effective as if made on the Day specified. If the day on which any meeting specified to be held shall be a Saturday, Sunday or legal holiday, the meeting shall be held on the first business day following. Any meeting required by this Charter to be held on a certain Day shall be deemed, for all purposes, to be a regular meeting. The Mayor shall designate the place of all meetings provided for in this Charter, unless the place of meeting is specified herein or fixed by Ordinance. However, in the absence of any such designation by the Mayor, the person responsible for convening the meeting shall designate the place thereof.

**SECTION 1-4: DEFINITIONS.**

Whenever used in this Charter:

A. "Board" or "Commission". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" shall include all Boards, agencies, Commissions, authorities or like entities of the Town, whether elected or appointed.

B. "Capital Expenditures" means expenditures for (1) any physical betterment or improvement or any preliminary studies or surveys relative thereto; (2) the acquisition of real property or other property of a permanent nature; (3) the purchase or acquisition of equipment for any public betterment or improvement; (4) major alterations and repairs to existing buildings, structures or equipment; or (5) any lease which commits the Town to more than one year of aggregate payments in an amount set by the Legislative Council, from time to time.

C. "Charter" shall mean the Charter of the Town of Hamden.

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D. "Classified Service" means the employees of the Town, covered by the Merit System of the Town (including civil service rules and regulations) appointed to all positions now or hereafter created except those positions excluded by this Charter (or collective bargaining agreement), Elected Officials or other Officials whose appointments and terms are prescribed by the General Statutes, and such other positions as the Civil Service Commission may determine, after investigation, to be within an area intended for exclusion from the classified service.

E. "Completion of Service" means the end of employment in the position in any manner whatsoever, including but not limited to retirement, resignation, removal, termination, whether for cause or at will, under the provisions of this Charter, collective bargaining or contract.

F. "Council" or "Legislative Council" means the Legislative Council of the Town, the legislative body of the municipality, as required by the General Statutes.

G. "Day(s)" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law.

H. "Department" means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

I. "Department Head" means an employee who heads any Department in the Town; has substantial supervisory control of a permanent nature over other municipal employees; and, is directly accountable to the Mayor.

J. "Elected Official" or "Elected Official of the Town" means an individual who holds an elected municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the Town. The Elected Officials of the Town are set forth in §3-3.A (1) of this Charter.

K. "Elector" shall have the meaning contained in the General Statutes.

L. "Final Action" means the last acts taken by the Mayor or the Legislative Council on an Ordinance or other measure that requires mayoral and legislative action under the provisions of §§4-7.B or 4-7.C of this Charter; and, §§10-4.A (1) (a) or (b) or 10-4.A (2) of this Charter. Final Action with regard to Resolutions, with the exception of Statutory Resolutions, shall be upon approval by a Majority Vote of the Legislative Council.

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**M.** "General Statutes" shall mean the General Statutes of the State of Connecticut, as amended from time to time.

**N.** "Law" includes, but is not limited to, decisions of courts and administrative bodies, federal or state legislative enactments, rules and regulations and local ordinances and regulations.

**O.** "Majority Vote of the Legislative Council" means more than half of the votes have been cast by the members at a meeting of the Council at which a quorum is present.

**P.** "Mayor" shall mean the chief executive officer of the municipality, as required by the General Statutes.

**Q.** "Meeting (or Hearing) Notice" means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings. In addition to the above-referenced postings, the Town may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

**R.** "Merit System" shall mean the Civil Service and Merit System of the Town, as required by this Charter and set forth in the Ordinances of the Town.

**S.** "Official" or "Public Official" means an individual who holds an elected or appointed municipal office in the Town; including but not limited to Elected Officials of the Town; employees appointed subject to §8-2.A of this Charter; and, members of Boards and Commissions. "Appointed Public Officials" shall include all Public Officials to the exclusion of Elected Public Officials. When the term "officer" is used, it shall be synonymous with the term "Official".

**T.** "Order" or "Motion" means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed contracts or other matters upon which are conferred temporary power or authority which when its purpose has been accomplished it ceases to require further authority. Orders and Motions shall be enacted in accordance with the provisions of this Charter.

**U.** "Ordinances" or "Ordinances of the Town" shall mean the powers of the Town to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

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V. "Public Notice" means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. It specifically includes matters where "publication" was required under the prior Charter or the General Statutes. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice may be posted (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public; (2) in the central Town Library (and each branch of the Town Library); (3) on the Town web-site or through other electronic media; and, (4) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town.

W. "Resolution" means an action by the Legislative Council that (1) expresses the sentiment or intent of the Council; (2) governs the business of the Council; (3) expresses recognition by the Council; or, (4) complies with the specific requirements of the General Statutes with regard to certain legislative enactments. A declaratory statement of the Council on a given matter.

X. "Special Acts" or "Special Laws" shall mean the acts of the General Assembly pertinent to the Town.

Y. "State" or "Connecticut" shall mean the State of Connecticut.

Z. "State Constitution" shall mean the Constitution of the State of Connecticut.

AA. "Statutory Resolution" means a necessary legislative action required by General Statutes in order to utilize the provisions of State enabling legislation. Statutory Resolutions shall be enacted in the same manner as an Ordinance under the provisions of this Charter".

BB. "Town" shall mean the Town of Hamden.

CC. "Vacancy" or, in the alternative the use of the word "Vacant" means whenever any Official of the Town, including Registrars of Voters, is unable to complete the current term of office due to death, resignation, removal, incapacity or other reason as may be defined by Ordinance.

DD. Where reference is made to "Action to be taken by a Department Head," the specified action may be taken by that Department Head or a designee.

EE. Where reference is made to "Mayor or designee," the identity of the designee shall at all times be determined, in the sole discretion, of the Mayor.

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## CHAPTER II: INCORPORATION AND GENERAL POWERS

### SECTION 2-1: TERRITORY.

The territorial limits of the body politic and corporate under the name of "The Town of Hamden" shall include all the land and territory situated within the said Town.

### SECTION 2-2: INCORPORATION.

All the Electors of this State, dwelling within the said limits, shall continue to be a body politic and corporate by the name of the Town of Hamden and by that name they and their successors shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town of Hamden and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the State Constitution and the General Statutes.

### SECTION 2-3: GENERAL GRANT OF POWERS.

A. In addition to all powers granted to municipalities under the State Constitution and the General Statutes, or which may hereinafter be conferred, the Town shall have all powers:

(1) specifically granted by this Charter and all powers fairly implied in or incidental to the powers expressly granted by the State to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or any agency thereof, the State or any agency or any political subdivision thereof for services and the use of facilities, the exercise of which is set forth by Law;

(2) conferred by the Special Acts, which the Town deems to be of continued applicability; and,

(3) now granted or that may hereafter be granted to municipalities under the State Constitution or the General Statutes.

B. The enumeration of particular powers in this and of any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto. Said Town shall exercise all the rights, powers, privileges, functions and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon this corporation.

### SECTION 2-4: CONTINUANCE OF RIGHTS AND OBLIGATIONS.

A. All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or *inchoate*, in said Town as of the effective date of this Charter are continued in said Town and said Town

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shall continue to be liable for all debts of every kind for which said Town shall be liable on said date, whether accrued or not.

B. Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt or lien.

C. If any contract has been entered into by said Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said Town which contains a provision that the same may be enforced by any Commission, Board, Department or Official therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such Commission, Board, Department or Official shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said Town.

D. The powers which are conferred and the duties which are imposed upon any Commission, Board, Department or Official under the General Statutes or special acts concerning the Town or any Ordinance or regulation in force at the time this Charter shall take effect, shall, unless otherwise provided in this Charter, thereafter be exercised and discharged by the Commission, Board, Department or Official upon which are imposed such powers and duties under the provisions of this Charter.

E. All Commissions, Boards, Departments or offices abolished by this Charter, whether elected or appointed, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such Commissions, Boards, Departments or offices and until the Mayor shall have notified the members of such Commissions, Boards, Departments or offices as are abolished by this Charter that their successors have been appointed.

F. All records, property and equipment whatsoever of any Commission, Board, Department or Official or part thereof, all the powers and duties of which are assigned to any other Commission, Board, Department or Official by this Charter, shall be transferred and delivered intact to the Commission, Board, Department or Official to which such powers and duties are so assigned.

G. If part of the powers and duties of any Commission, Board, Department or office or part thereof are by this Charter assigned to another Commission, Board, Department or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the Commission, Board, Department or office to which such powers and duties are so assigned.

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**CHAPTER III: ELECTIONS, ELECTORS, ELECTED OFFICIALS AND TERMS OF  
OFFICE**

**SECTION 3-1: APPLICATION OF THE GENERAL STATUTES.**

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The Legislative Council shall provide by Ordinance for the manner of warning (or notice) of municipal elections and such additional regulations in respect of elections, not inconsistent with the General Statutes or this Charter, as may be necessary to accomplish the intent of this chapter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes.

**SECTION 3-2: ELECTORS.**

A. Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town. All such Electors whose names are legally registered on the list of voters shall be entitled to vote at such elections.

B. The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

**SECTION 3-3: DATE OF ELECTION AND TERMS OF OFFICE FOR ELECTED  
OFFICES.**

**A. Commencement of the Term of Office.**

(1) **Elected Officials.** The Elected Town Officials are: (a) Mayor; (b) Town Clerk; (c) Fifteen (15) Members of the Legislative Council (six (6) At-Large and one member from each of the nine (9) voting districts); and (d) Nine (9) members of the Board of Education. The Registrars of Voters are also considered to be Elected Officials.

(2) **Municipal Offices (including Board of Education).** The terms of all Elected Officials declared elected hereunder shall commence at twelve noon on the last Sunday of November following their election and until their respective successors have been chosen and qualified.

(3) **State Office - Registrars of Voters.** The terms of the Registrars of Voters shall commence on the date set forth in the General Statutes.

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**B. Date of Election of Elected Officials.**

(1) **Municipal Offices.** Except as hereinafter provided, on the first Tuesday after the first Monday,

(a) in November 2013 and in the odd numbered years thereafter, as the term of office shall fall (as set forth in §3-3.C (1) of this Charter), the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, the following officers: (i) Mayor; (ii) Town Clerk; (iii) Members of the Legislative Council (six (6) At-Large and nine (9) District Representatives); and, (iv) Six (6) members of the Board of Education; and,

(b) in November 2015 and in the odd numbered years thereafter, as the term of office shall fall (as set forth in §3-3.C of this Charter), the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, three (3) members of the Board of Education.

(2) **State Office - Registrars of Voters.** On the first Tuesday after the first Monday in November 2014 and in the even numbered years thereafter as the term of office shall fall (as set forth in §3-3.C (3) of this Charter), the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, Registrars of Voters (*Transition Provision A: See, §11-7 of this Charter pertaining to the transitional election scheduled for 2012*).

**C. Term of Office.**

(1) **Four Year Term: Members of the Board of Education.** Commencing at twelve noon on the last Sunday of November following the election of six members in 2013 (for those set forth in §3-3.B (1) (a) (iv) of this Charter) and three members in 2015 (for those set forth in §3-3.B (1) (b) of this Charter) and quadrennially thereafter, Members of the Board of Education, shall hold their respective offices for a term of four (4) years.

(2) **Two Year Term: The Mayor, Town Clerk and Members of the Legislative Council.** Commencing at twelve noon on the last Sunday of November following their election in 2013 and biennially thereafter, the Mayor, Town Clerk and Members of the Legislative Council shall hold their respective offices for a term of two (2) years.

(3) **Four Year Term: Registrars of Voters.** Commencing at twelve noon on the last Sunday of November following their election in 2014 and quadrennially thereafter, the Registrars of Voters shall hold their respective offices for a term of four (4) years (*Transition Provision*

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*B: See, §11-8 of this Charter pertaining to the transitional election scheduled for 2012).*

D. The names of all candidates duly placed on the ballot shall be arranged as set forth in the General Statutes. All elected offices shall be filled as a result of the election process.

E. **Election of At-Large Members of the Legislative Council.** The Electors shall vote for no more than four (4) of the at-large candidates for the Council. Each major or minor party, as defined by the General Statutes and petitioning slates of candidates (if permitted by the General Statutes), may nominate up to four (4) candidates for the members at large, and those six (6) candidates receiving the highest number of votes shall be elected.

F. **Election of Members of the Board of Education.**

(1) **Six Members of the Board of Education Elected Pursuant to §3-3.B (1) (a) of this Charter.** With regard to the six (6) members of the Board of Education elected in accordance with §3-3.B (1) (a) of this Charter, no more than four (4) members shall be from the same political party.

(2) **Three Members of the Board of Education Elected Pursuant to §3-3.B (1) (b) of this Charter.** With regard to the three (3) members of the Board of Education elected in accordance with §3-3.B (1) (b) of this Charter, no more than two (2) members shall be from the same political party.

**SECTION 3-4: ELIGIBILITY.**

No person shall be eligible for nomination or election to any Town office who is not an Elector of the Town, and, in the case of a district council representative, a resident of that particular district. Any person ceasing to be a resident, where such residence is required for eligibility, shall thereupon cease to hold elective office in the Town or district.

**SECTION 3-5: VACANCIES IN ELECTED OFFICES.**

A. **Mayor.** A Vacancy in the office of the Mayor shall be addressed as follows:

(1) **Greater than Six Months remaining in the Term of Office.** The President of the Legislative Council shall serve as Acting Mayor until a successor is elected at a special election. Said special election shall be called forthwith to fill the Vacancy and shall be held in the time-frame as may be set forth in the General Statutes. In the event the General Statutes are silent, the special election shall be held no later than forty-five (45) Days from the effective date of the Vacancy, as declared by the Town Clerk. The person so elected shall assume the office of Mayor on

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the date of election and serve for the unexpired term. Such successor shall have the rights, powers and duties of Mayor and shall receive the same compensation otherwise due the Mayor.

(a) In the event the President shall serve as Acting Mayor, the office of President of the Legislative Council and a member of the Legislative Council shall not be deemed Vacant. However, the Acting Mayor shall have no vote and may only participate in Legislative Council proceedings in accordance with the functions and duties of the Mayor.

(b) During the absence of the President for the purposes of this provision, the President Pro Tempore shall preside and conduct the business of the President.

(2) **Final Six Months of the Term of Office.** The President of the Legislative Council shall at once become Mayor for the unexpired term and shall assume office on the date of Vacancy and serve for the unexpired term. Such successor shall have the rights, powers and duties of Mayor and shall receive the same compensation otherwise due the Mayor. In the event the President shall serve for the remainder of the term of Mayor, the office of the President of the Legislative Council and a seat on the Legislative Council shall become Vacant whenever the person holding them shall become Mayor and the President Pro Tempore shall succeed to the Office of President.

**B. Legislative Council and Town Clerk.** Any Vacancy in any elected Town office, except the Board of Education and the Office of the Mayor, from whatever cause arising, except as hereinafter provided, shall be filled by a Majority Vote of the Legislative Council for the unexpired portion of the term.

(1) All such Vacancies shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office. In the event there is no other member of the political party appertaining to the vacating member, the appointment shall not be made from the party containing the majority of members.

**C. Board of Education.** Until the next Town election, any Vacancy in the Board of Education shall be filled by election by the remaining members of the Board of Education.

(1) All such Vacancies filled by election of the Board of Education shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office. In the event there is no other member of the political party appertaining to the vacating member, the appointment shall not be made from the party containing the majority of members.

**D. Registrars of Voters.** Any Vacancy in the Office of the Registrars

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of Voters shall be filled as required by the General Statutes.

**SECTION 3-6: TEMPORARY DISABILITY OR ABSENCE OF THE MAYOR.**

A. In the event the Mayor notifies the President of the Council of an inability to attend to the duties of office due to absence from the Town, temporary disability or sickness or other cause, the President of the Council shall serve as Acting Mayor at a rate of compensation to be determined by the Council. There shall be no Vacancy in the Office of the President of the Legislative Council when the President serves as set forth in this sub-section.

B. In the event the Mayor fails to notify the President of the Council under the provisions of §3-6.A of this Charter, and it is determined that the Mayor is unable to attend to the duties of office due to an unexplained and sustained absence from the Town, temporary disability or sickness or absence or other cause, the Legislative Council may determine the temporary disability or absence of the Mayor by a vote of two-thirds (2/3<sup>ds</sup>) of the Council present and voting; although there shall be, at least, nine (9) members voting in the affirmative.

**SECTION 3-7: REAPPORTIONMENT OF VOTING DISTRICTS.**

A. **Nine Voting Districts and Standards Pertaining to Reapportionment.** The Town shall be divided into nine (9) voting districts, each of which shall be represented by a district representative on the Legislative Council and shall be substantially equal in population consistent with federal constitutional standards. Moreover, said voting districts shall be in as compact and contiguous a form as practicable and shall follow geographical divisions wherever practical in determining voting district boundaries.

B. **Final Action on Adoption of a Reapportionment Plan.** On or before the date set forth in the General Statutes, the Legislative Council shall adopt a reapportionment plan for such legislative body. At the time of the adoption of this Charter, the reapportionment plan shall be adopted not later than the first (1<sup>st</sup>) Day of June in the year after the first regular General Assembly election following a reapportionment of the General Assembly.

C. **Assembly of Census and State Reapportionment Information and Data.** Following the 2010 census and every ten (10) years thereafter, the Town shall commence the process of reapportioning the voting districts. Upon issuance of the reports of the applicable Federal Decennial Census, the Registrars of Voters shall assemble information and data relating to the census and the State redistricting process. Said information and data shall be transmitted at the appropriate time to the participants in the reapportionment process.

D. **First Reapportionment Commission.** No later than the 1<sup>st</sup> Day of March of the year following reapportionment of the General Assembly and every ten years thereafter, a Reapportionment Commission shall be appointed by the

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**Legislative Council.**

(1) The seven (7) member Commission shall be comprised of (a) the two (2) Registrars of Voters; and, (b) five (5) Electors recommended by the President of the Legislative Council and approved by the Council, no more than two (2) of whom shall be from the same political party.

(2) The Commission shall conduct a public hearing on a proposed Ordinance, Report and Reapportionment Plan (the "ORRP"), at least, one week prior to approval and submission to the Council. Hearing Notice shall be provided, at least, five (5) Days prior to the public hearing; said Notice shall include the contents of the ORRP as well as a copy of a map illustrating the boundary lines of each of the proposed voting districts. On the basis of information elicited at the public hearing, the Commission may thereafter alter the Report and Plan.

(3) Approval of the ORRP shall require the affirmative votes of, at least, five (5) members of the Commission.

(4) The Commission shall file the ORRP with the Clerk of the Council within six (6) months after appointment and may utilize demographic data (based upon census data) assembled by the Town utilizing the technological resources of the Town and such other resources, facilities and funding the Council may deem desirable to carry out the purposes of this section. Receipt of the ORRP shall be deemed to be the date upon which it is filed with the Clerk of the Council.

(5) The ORRP shall recommend and set forth the boundaries of each of the proposed voting districts and, upon recommendation of the Registrars of Voters, include an enumeration of suitable polling places within each district.

(6) In the event the Commission fails to submit the ORRP as set forth in §3-7.D (4) of this Charter, then a Second Reapportionment Commission shall be established as set forth in §3-7.F of this Charter.

**E. Action by the Legislative Council on the Proposal of the First Reapportionment Commission, if any.** Within sixty (60) Days following receipt of the ORRP and after a public hearing thereon, the Legislative Council shall accept, reject, or modify the ORRP. Within thirty (30) Days following said legislative action:

(1) If the ORRP is accepted or modified, the Ordinance in conjunction with the ORRP approved by the Legislative Council shall be deemed adopted in compliance with the requirements of the General Statutes and have the full force of law and become effective for the next municipal general election.

(2) If the ORRP is rejected, then a Second Reapportionment

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Commission shall be established as set forth in § 3-7.F of this Charter.

Approval of the ORRP and the Ordinance contained therein shall require an affirmative vote of, at least, two-thirds (2/3<sup>ds</sup>) of the Council, present and voting.

**F. Second Reapportionment Commission.** Within fourteen (14) Days following the failure of the Reapportionment Commission to submit the ORRP, as set forth in §3-7.D (6) of this Charter; or, the rejection of the ORRP by the Legislative Council, as set forth in §3-7.E (2) of this Charter, the Mayor shall appoint a Second Reapportionment Commission.

(1) The Commission shall be comprised of nine (9) Electors, as follows: (a) three (3) recommended by the Council Majority Leader; (b) three (3) recommended by the Council Minority Leader; and (c) three (3) upon the Mayor's designation.

(2) The Commission shall consider the reapportionment of districts in accordance with the standards set forth herein and shall submit a Reapportionment Plan and Ordinance ("RPO") to the Clerk of the Council within ninety (90) Days of the appointment by the Mayor.

(3) The RPO shall not be submitted to the Clerk of the Council unless it is approved by, at least, seven (7) members of the Commission. In such event, the Legislative Council shall act in accordance with §3-7.G (2) of this Charter.

**G. Action by the Legislative Council on the Proposal of the Second Reapportionment Commission.** Within sixty (60) Days following receipt of the RPO and after a public hearing thereon, the Legislative Council may:

(1) Approve the RPO by an affirmative vote of at least two-thirds (2/3<sup>ds</sup>) of the Council present and voting, and, following said approval, the districts set forth in the accompanying Ordinance shall be deemed adopted in compliance with the requirements of the General Statutes, and have the full force of law and become effective for the next municipal general election; or,

(2) Reject the RPO; in which event the Council shall formulate and approve a Redistricting Plan and Ordinance, in accordance with the standards set forth herein and within the statutory time-frame established by the General Statutes and as set forth in §3-7.B of this Charter. If approved, the Ordinance shall be deemed adopted in compliance with the requirements of the General Statutes and shall have the full force of law and become effective for the next municipal general election

**H. Failure of the Legislative Council to Adopt an Ordinance Pursuant to §3-7.G (2) of this Charter.** In the event the Legislative Council fails to approve an Ordinance in accordance with the provisions of §3-7.G (2) of this

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Charter, the Ordinance included in the RPO submitted by the Second Reapportionment Commission (see, §3-7.F (2) of this Charter) shall be deemed to be approved by the Legislative Council and shall be deemed adopted in compliance with the requirements of the General Statutes and shall have the full force of law and become effective for the next municipal general election. The effective date shall be deemed to be the final date permitted for enactment of municipal reapportionment by the General Statutes.

I. Notwithstanding the adoption of a plan of redistricting, members of the Legislative Council shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

### **SECTION 3-8: PUBLIC OFFICIALS TO DELIVER RECORDS TO SUCCESSORS.**

A. **The General Rule.** On or before the date a successor takes office, the Mayor, Town Clerk, Registrars of Voters and each Department Head or other Mayoral appointees, upon the expiration of the applicable term of office or termination of employment, shall deliver to the successor all books, data, documents, books of account (or equivalent) records, vouchers, papers of every description and memoranda (in all existing formats including electronic media of any and all types) ("Records") under the control of the named Official relating to the business of the Town during the entire term of office or employment by the Town. This general rule shall also apply to the administrative offices of the Legislative Council; however, the individual members of the Council shall be subject to the rules of the Legislative Council, as set forth below.

B. **Ordinance.** The delivery of such Records shall be carried out in accordance with an Ordinance establishing the parameters of this provision and the rules necessary to comply with any related provisions of the General Statutes.

C. **The Legislative Council.** The rules of the Legislative Council shall set forth the parameters of the requirements to retain and deliver to their successors Records assembled by individual members of the Council. Said rules shall take into cognizance the provisions of §3-8.A of this Charter as well as the record retention and public information requirements of the General Statutes and other applicable Law.

D. **Liability.** The Officials set forth in this section shall be personally liable to the Town for complete and safe delivery of all such Records to the successor Official. Any Official who shall violate any provision of this section shall be fined in an amount which shall be established by Ordinance.

### **SECTION 3-9: CONFLICT OF INTEREST AND ETHICS.**

A. **Statement of Purpose.** 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

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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.** 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 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.

(2) **Recusal.** The Official or employee filing a disclosure under this Charter or Ordinance with the Town 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;

(b) may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances; and,

(c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to

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be established by Ordinance.

**C. Conflict of Interest and Corrupt Practices.** No Official shall violate the provisions of the General Statutes, this Charter or Ordinances pertaining to conflicts of interest and corrupt practices. 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.

**SECTION 3-10: REMOVAL OF ELECTED AND APPOINTED OFFICIALS.**

**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<sup>rd</sup>s) of the entire membership of the Council; subject to any applicable provisions of the General Statutes.

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

(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.

**B. Recitation of Charges.** 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.** 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 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

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illegal activities (including violations of federal, state or local law);

- (2) Conviction of a felony;
- (3) Conviction of a lesser crime involving fraudulent or dishonest conduct;
- (4) Determination of physical or mental incapacity to serve, based upon the best evidence as presented by competent authority;
- (5) Determination of incompetence based upon the best evidence as presented by competent authority;
- (6) Documented poor performance of an Appointed Official kept in the normal course of business;
- (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;
- (8) A delinquency materially affecting the person's general character or fitness for office; or,
- (9) Such actions as may be set forth in the Ordinance by the Council.

**E. Right to Counsel.** 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.** 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.

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**CHAPTER IV: LEGISLATIVE COUNCIL**

**SECTION 4-1: LEGISLATIVE POWER.**

The legislative power and authority of the Town shall be vested in the Legislative Council. No enumeration of powers set forth in this Charter shall be deemed to limit the legislative authority of the Council as provided for in the General Statutes.

**SECTION 4-2: OFFICERS OF THE COUNCIL.**

A. The members of the Council shall meet on the first Monday after the commencement of their terms of office as provided in §§3-3.A (2) and C (2) of this Charter and shall choose one of its members to be President of the Council and another to be President Pro Tempore of the Council, each for the term of office.

B. Such President shall preside over all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council, but such President shall not vote more than once on any question.

C. During the President's absence or disability, the President's duties shall be performed by the President Pro Tempore.

**SECTION 4-3: PROCEDURES OF THE LEGISLATIVE COUNCIL -  
PUBLIC PARTICIPATION IN COUNCIL PROCEEDINGS.**

A. **Meetings and Rules of Procedure.** The Council shall:

(1) **Rules of Procedure: Quorum.** Adopt rules of procedure including the creation of such committees as it deems necessary, within forty-five (45) days following the election of members, which rules may be amended from time to time.

(a) The rules of the prior Council term shall apply until such rules are adopted.

(b) A majority of the total membership of the Council shall constitute a quorum for the transaction of all business.

(2) **Regular Meetings and Committee Meetings.** Fix the time and place of its regular and committee meetings and shall post such meetings as required by the General Statutes. The Council shall schedule at least one regular meeting and one Committee meeting a month.

(3) **Special Meetings and Emergency Meetings.** At the first meeting of the Council following the Town election, the Council shall

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provide a method for the calling of Special Meetings in accordance with the General Statutes. Emergency Meetings shall be convened as set forth in §5-5.D of this Charter.

**B. Public Hearings.** At least one public hearing shall be held by the Council or any committee thereof before any Ordinance or Statutory Resolution shall be passed. Meeting Notice of such public hearing shall be given, in accordance with the requirements of the General Statutes.

**C. Open Meetings and Public Comment Sessions.** All meetings of the Legislative Council shall be open to the public in accordance with the General Statutes. Moreover, there shall be a public comment session prior to the commencement of all regular meetings of the Legislative Council. The time and duration of the public comment sessions shall be determined in accordance with the provisions of *Standing Rules of Order of the Hamden Legislative Council*, adopted in accordance with §4-3.A (1) of this Charter. With respect to the meetings of the standing and special committees and special meetings of the Legislative Council, the public may address any item on the agenda. With respect to the regular meetings of the Legislative Council, the public may address any item on the agenda and any other matters concerning the Town that are within the purview of the Legislative Council.

### SECTION 4-4: CLERK OF THE COUNCIL.

**A.** There shall be a Clerk of the Council, recommended by the President and approved by the Council, whose compensation shall be fixed by the Council, and who shall keep for public inspection copies of every proposed Ordinance and a record of all proceedings including all roll call votes.

**B.** All records so kept shall be authenticated by the signature of such Clerk of the Council or the President of the Council or both.

**C.** The Clerk of the Council shall be responsible for the publication of such notices of hearing and publication of Ordinances, as may be necessary, and perform such other duties as the Council may determine.

### SECTION 4-5: GENERAL POWERS.

In addition to the grant of legislative authority as set forth in the General Statutes, the Legislative Council, by majority vote (unless otherwise set forth in this Charter), shall have the power to:

**A.** enact, amend or repeal Ordinances, Statutory Resolutions, Resolutions, Orders or Motions consistent with this Charter or the General Statutes;

**B.** create or abolish Boards, Commissions, Departments, Offices and positions, unless required by the Charter or reorganized as permitted by §8-1.C (1) of this Charter, for the preservation of good order, peace, health and safety

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of the Town and its inhabitants, including the power to enact a code of ethics regulating the conduct of all Officials and employees of said Town;

- C. increase or decrease the budget or any item thereof;
- D. contract for legislative services, upon action by Order or Motion;
- E. contract, upon action by Order or Motion, for the use of facilities of the United States or any federal agency, the State and any political subdivision thereof, or may, by agreement, join with any other such political subdivision to provide services and facilities;
- F. to appropriate, notwithstanding the provisions of this Charter to the contrary, necessary funds for the purpose of meeting a Public Emergency as set forth in §5-5.C of this Charter; and,
- G. set the charges, if any, to be made for services by the Town or for the execution of powers vested in the Town as provided in this Charter.

In addition to all other powers, for purposes set forth in the General Statutes relating to municipal sewerage systems and to the extent it wishes to exercise such powers, the Council is deemed the body having power to make annual appropriations for the Town. Furthermore, the Council shall have the power and duties which, on the effective date of this Charter, were conferred by Law upon Boards, Commissions and Officials of the Town existing immediately prior to such date except as otherwise specifically provided in this Charter.

**SECTION 4-6: COUNSEL TO COUNCIL.**

The Legislative Council may appoint and may remove by majority vote a Counsel, who shall be an attorney, admitted to practice law in this State and shall have been practicing for at least five (5) years. Such Counsel shall have such duties as the Council shall determine. Such Counsel shall receive compensation as fixed by the Legislative Council.

**SECTION 4-7: ORDINANCES, STATUTORY RESOLUTIONS, RESOLUTIONS, ORDERS OR MOTIONS; THE ROLE OF THE LEGISLATIVE COUNCIL AND THE MAYOR.**

**A. Transmittal of Legislative Actions to the Mayor.** Except in the case of Resolutions, including those relating to the procedures of the Council, every proposed Ordinance, Statutory Resolution, Order or Motion shall be transmitted by the Clerk of the Council to the Mayor for action within five (5) Days after passage by the Council. The provisions of §§4-7 and 4-8 of this Charter shall not apply to the adoption of the Budget Ordinance. The procedures for the adoption of the Budget Ordinance is subject to the provisions of §§10-3 and 10-4 of this Charter.

**B. Mayoral Action.** The Mayor shall return to the Clerk of the Council

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such Ordinance, Statutory Resolution, Order or Motion within fifteen (15) Days after passage by the Council.

(1) **Approval by the Mayor or Failure of the Mayor to Take Action.** In the event the Mayor approves or fails to take action within such fifteen (15) Days, such Ordinance, Statutory Resolution, Order or Motion shall become effective and operational as set forth in this section. In the event the Mayor shall fail to take action upon such matters, the Town Clerk shall endorse such fact upon the official copy of the matter.

(2) **Veto by the Mayor.** Every Ordinance, Statutory Resolution, Order or Motion vetoed by the Mayor shall be returned within the same fifteen (15) Days to the Clerk of the Council with a statement of the reasons for the veto.

**C. Legislative Action Following Mayoral Veto.** Following receipt of the Mayor's veto, any vetoed Ordinance, Statutory Resolution, Order or Motion again approved by an affirmative vote of at least two-thirds (2/3<sup>rd</sup>s) of the Council present and voting at a meeting, shall become effective in accordance with this section.

**D. Effective Date.**

(1) **Ordinances and Statutory Resolutions.** Every Ordinance or Statutory Resolution, unless it shall specify a later date, shall become effective on the twenty-first (21<sup>st</sup>) Day after Public Notice, of Final Action, with the exception that an Ordinance stated to be a public emergency measure which shall be effective immediately, as set forth in §5-5.E (4) of this Charter.

(2) **Resolutions, Orders or Motions.** Every Resolution, Order or Motion, unless it shall specify a later date, shall become effective upon Final Action.

**SECTION 4-8: PUBLIC NOTICE OF FINAL ACTION.**

**A. Public Notice of Final Action.** Public Notice regarding Ordinances and Statutory Resolutions shall be provided within ten (10) Days after Final Action. Public Notice of Resolutions, Orders and Motions shall be provided within twenty-four (24) hours of Final Action.

**B. Public Notice of public emergency Ordinances or measures** shall be addressed in §5-5.E of this Charter.

**C. Every Ordinance and Statutory Resolution, after passage, shall be given a serial number and be officially recorded and preserved by the Town Clerk as a public record as may be set forth in the General Statutes.**

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**SECTION 4-9: PETITION FOR OVERRULE.**

A. All Ordinances and Statutory Resolutions of the Council, except fixing the tax rate and the enactment of emergency Ordinances, shall be subject to overrule.

(1) If within twenty (20) Days after Final Action, a petition signed by not less than fifteen (15%) percent of the Electors of the Town, as determined from the last official voting list, is filed with the Town Clerk requesting a referendum, the Council shall, at its next regular meeting, fix a time not more than thirty (30) Days after such meeting for such election, which shall be called and held in the manner provided by the General Statutes.

(2) Any Ordinance or Statutory Resolution so referred to the voters shall stand approved unless a majority of those voting thereon at such election shall have voted "no" and at least twenty-five percent (25%) of the Electors entitled to vote on the question shall have voted.

(3) The Council may by an affirmative vote of at least two-thirds (2/3<sup>rd</sup>s) of those present and voting add non binding referenda to be on the ballot of such election.

B. This section shall not apply to the borrowing of funds. The borrowing of funds shall be governed solely by the provisions of §§10-8 and 10-9 of this Charter. Moreover, this section shall not apply to the Budget. The Budget overrule shall be governed solely by the provisions of §10-5 of this Charter.

**SECTION 4-10: SELECTION OF INDEPENDENT AUDITORS.**

The Council shall designate annually a certified public accountant or firm of certified public accountants, as an independent auditor, to audit the books and accounts of the Town as provided in the General Statutes and in accordance with best practice standards as may be set forth and promulgated by the General Accounting Office ("GAO"), Governmental Accounting Standards Board ("GASB"), Finance Accounting Standard Board ("FASB"), the Government Finance Officers Association ("GFOA"), their successor or like-minded professional standard setting organizations addressing the financial standards for municipalities. The Council shall competitively select independent auditors and require the rotation of such auditors by requiring their replacement by another firm at the conclusion of the audit contract, which shall not exceed a maximum period of six (6) consecutive years.

**SECTION 4-11: APPROVAL OF MAYORAL APPOINTMENTS.**

All appointments made by the Mayor that require approval by the Legislative Council shall be deemed automatically approved if the Council fails to approve or disapprove such appointments within forty-five (45) Days of

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written notice to its Clerk of such an appointment.

**SECTION 4-12: INTERLOCAL AGREEMENTS AND REGIONAL COOPERATION.**

The Town shall take into cognizance the opportunities to engage in regional initiatives in order to provide the most efficient delivery of services to the Town. In this context, the town should utilize all laws pertaining to regionalism, inter-local agreements and cooperative arrangements.

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## CHAPTER V: THE MAYOR

### SECTION 5-1: ELECTION AND QUALIFICATIONS.

At each general Town election, a Mayor shall be chosen by the Electors of the Town. Such Mayor shall be the chief executive officer of the Town and shall receive such compensation as shall be set by the Council. The Mayor shall devote full time to the duties of the office.

### SECTION 5-2: DUTIES.

The Mayor shall:

A. be responsible for the administration of all Departments and Officials, in charge of persons or Boards and Commissions appointed by the Mayor, and shall oversee and direct the same;

B. be an ex-officio, nonvoting member of all Town Boards and Commissions appointed by the Mayor, except the Board of Ethics or where such membership is inconsistent with the General Statutes or this Charter;

C. see that the provisions of all Laws, this Charter, the Ordinances and Statutory Resolutions governing the Town are faithfully executed; shall cause to be prepared and printed, within ninety (90) Days after the close of the fiscal year, an annual Town report; shall recommend to the Council such measures as may be deemed necessary or expedient; shall keep the Council fully advised as to the financial condition of the Town; shall prepare and submit to the Council an annual budget and shall exercise such other powers and duties as may be required by Ordinance, Statutory Resolution, Order or Motion of the Legislative Council consistent with the General Statutes and this Charter; and,

D. submit to the Council:

(1) a quarterly report on all contracts executed within the budget limits or other authority established by the Legislative Council.

(2) a request for approval by a Majority Vote of the Legislative Council, of any contracts:

(a) in excess of One Hundred Thousand (\$100,000.00) Dollars which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or regulations adopted hereunder. The Legislative Council is authorized to modify the threshold based upon the consumer price index or other like measure indexed for inflation or deflation. This provision shall not apply to emergency transactions, which

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are addressed in §5-5.C (3) of this Charter.

(b) which contain a term which will either fall in multiple fiscal years; or, shall continue for a period longer than twelve (12) months.

**SECTION 5-3: APPOINTMENTS, TERMS OF OFFICE AND GENERAL POWERS.**

A. The Mayor shall, except as otherwise provided in this Charter, appoint and may remove all Department Heads and other Mayoral appointees of the Town as set forth in this Charter. This provision shall not apply to Elected Officials who are Department Heads.

B. Unless otherwise provided in this Charter, the terms of all such Department Heads or Mayoral appointees, established by Ordinance or by budget, shall terminate at the same time as the term of the Mayor (unless otherwise subject to the terms of an Employment Contract as set forth in §8-2.C of this Charter); except such appointees may continue to serve until their successors are appointed and qualified.

C. The Mayor may, subject to the approval of the Council, perform the duties of any office under the Mayor's jurisdiction, except those of the Director of Finance in the performance of the duties and powers prescribed by Law to Town Treasurers, as provided in §8-4.A of this Charter.

D. As set forth in §8-1.B and C of this Charter, the Mayor shall have the power, subject to the approval of the Council, to provide for the creation of any Department, delegating to said Department any of the powers reserved to the Mayor under this chapter and to appoint a Department Head for such Department thereby created. The Mayor shall have the power to create for a new position, subject to the approval of the Legislative Council.

**SECTION 5-4: APPOINTMENTS TO BOARDS OR COMMISSIONS.**

A. When a Vacancy occurs on any appointed Town Board or Commission, the Mayor shall provide Public Notice that such position is Vacant, at least two (2) weeks prior to filling of the position. In addition to the requirement set forth in §7-1.K of this Charter, the Mayor shall publish or post, as the case may be, such notice (1) on the Town web-site; (2) in a conspicuous location available to the public in the office of the Town Clerk and in such location in Town Hall as designated by the Mayor; and, (3) if practicable, in a newspaper of local availability to the residents of the Town.

B. The Mayor shall invite the Electors of the Town who are interested in serving to apply by submitting resumes of their qualifications for membership on such Board or Commission to the Town Clerk.

C. The Town Clerk shall maintain and submit to the Mayor a list of all candidates for the position.

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D. The Mayor shall nominate an individual from this list and submit the nomination to the Legislative Council, which shall approve or disapprove the Mayor's selection.

### SECTION 5-5: EMERGENCY POWERS.

A. **Declaration of a Public Emergency.** A public emergency pertaining to the Town may be declared by the (1) President of the United States; (2) Governor of the State of Connecticut; (3) Mayor; or, (4) upon the affirmative vote of two-thirds (2/3<sup>rd</sup>s) of the Legislative Council present and voting; although there shall be, at least, nine (9) members voting in the affirmative. If practicable, the declaration of Public Emergency by the Mayor or the Council shall set the duration in the event it is expected to last for more than forty-five (45) Days.

(1) **Public Emergency.** A public emergency is any condition that exists or threatens to arise involving or threatening to damage or injure the lives, health or property of the inhabitants of the Town or curtail Town services necessary to meet the requirements of the emergency.

(2) **Termination of Public Emergency.** The termination of the emergency shall be determined and declared by the Mayor or by the affirmative vote of two-thirds (2/3<sup>rd</sup>s) of the Legislative Council present and voting; however, unless asserted in the declaration or otherwise extended, the Public Emergency shall terminate at 11:59:59 P.M. of the forty-fifth (45th) Day following the declaration.

B. **Authority of the Mayor.** The Mayor shall exercise within the limits of the Town all the emergency powers given to the chief executive officer of a municipality under the General Statutes with regard to the allocation of personnel. Upon declaration of a public emergency, the Mayor may mobilize, organize and direct the forces of the Town and call upon and cooperate with the federal government or the State or its political subdivisions.

### C. **Appropriations and Expenditures for Emergencies**

(1) **Public Emergency Contingency.** The Legislative Council may, by Ordinance, establish a maximum amount of funding for public emergencies in a contingency fund within the Town Budget. The Mayor may obligate the Town in an amount not to exceed the maximum amount ("public emergency contingency") to meet or mitigate any declared public emergency. The Mayor shall report any action taken hereunder at the next meeting of the Legislative Council.

(2) **Emergency Appropriations.** Notwithstanding the provisions of §§10-7.D and E of this Charter, in the event that funds in addition to the public emergency contingency are required to meet or mitigate a declared public emergency, the Mayor shall determine the

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necessary amount and seek Legislative Council approval, at an Emergency Meeting, to authorize transfers.

(a) Notwithstanding any contrary provisions of this Charter, the Legislative Council may, if necessary, appropriate funds in addition to the public emergency contingency.

(b) The affirmative vote of at least two-thirds (2/3<sup>rd</sup>s) of the members of the Legislative Council is required to authorize any such emergency appropriation.

(c) The Order of the Legislative Council approving any emergency appropriation shall specify the nature of the emergency and source of revenue. Unless the Mayor certifies that the emergency threatens the immediate public health or safety, the Legislative Council shall hold a public hearing on any proposed special or emergency appropriation.

(3) **Emergency Expenditures.** The Mayor may obligate the Town in an amount of money not to exceed One Hundred Thousand (\$100,000.00) Dollars (or such other additional amount as may be approved by the Council) from the public emergency contingency or, if not available from the contingency, from other unexpended funds identified by the Director of Finance, to cope with such public emergency until the Legislative Council convenes. The authority set forth in this provision shall not apply in the event the Legislative Council has not been provided with notice under §5-5.D of this Charter.

**D. Emergency Meetings of the Legislative Council.** In the event a Public Emergency is declared, the Mayor or President of the Legislative Council may call an emergency meeting of the Council upon three (3) hours notice and may summon Council members to attend such meeting in such manner as the Council may prescribe by Ordinance. Notwithstanding any provision of law or this Charter to the contrary, at such meeting, the Council may transact any item or items of business relevant to such emergency.

**E. Public Emergency Ordinances and Measures.** Upon the declaration of a Public Emergency, the Legislative Council may enact Public Emergency Ordinances and other measures in order to meet such emergency. Rules and procedures for the adoption of Public Emergency Ordinances and measures shall be governed by the provisions of a Public Emergency Procedural Ordinance which shall establish the terms of Final Action.

(1) **Public Hearing and Notice Requirements.** No public hearing or Meeting Notice shall be required for any Ordinance stated to be a Public Emergency Ordinance or measure, unless otherwise required by the General Statutes.

(2) **Procedural time-frame.** The time-frame set forth in §§4-7 through 4-8 of this Charter shall not apply to the adoption of a Public Emergency Ordinance or measure; however, the procedural measures set forth in that provision shall be addressed in the Public Emergency

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Procedural Ordinance, if practicable.

**(3) Requirements.** An emergency Ordinance shall contain a specific statement of the emergency and shall require a Majority Vote of the Legislative Council.

**(4) Effective Date.** An emergency Ordinance shall become effective immediately upon final action as set forth in the Emergency Procedures Ordinance. However, Public Notice of such Public Emergency Ordinance shall take place promptly following final action.

**(5) Automatic Repeal of Public Emergency Ordinance or Measure.** Every such Public Emergency Ordinance or measure, including any amendments thereto, shall automatically stand repealed at the termination of the forty-fifth (45<sup>th</sup>) Day following Final Action of said Ordinance.

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**CHAPTER VI: OTHER ELECTED OFFICIALS**

**SECTION 6-1: TOWN CLERK.**

**A.** There shall be a Town Clerk as required by the General Statutes and as set forth in this Charter.

**B. Powers and Duties.** The Town Clerk shall have all the powers and duties prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council.

**(1) Registrar of Vital Statistics.** The Town Clerk shall serve as Registrar of Vital Statistics, unless otherwise set forth by the General Statutes.

**(2) Assistants and Employees.** The Town Clerk shall appoint and may remove, subject to the provisions of the Merit System, all assistants and employees of this office.

**(3) Compensation.** The Town Clerk's compensation and benefits shall be set by the Council.

**(4) Fees.** All fees collected by the Town Clerk shall be paid to the Town, except as otherwise provided by the General Statutes.

**(5) Certification.** For the purpose of meeting best practices and the highest professional standards, the Town Clerk shall, upon eligibility, participate in the certification program for town clerks, as set forth in the General Statutes.

**SECTION 6-2: REGISTRARS OF VOTERS.**

There shall be Registrars of Voters as required by the General Statutes and as set forth in this Charter.

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**CHAPTER VII: BOARDS AND COMMISSIONS**

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

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

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

(2) Any such Ordinance shall make provision for (a) the appointment of a chair and a delineation of the responsibilities of the presiding officer; (b) the keeping of records and posting of agendas as required by the General Statutes; (c) minority party representation in accordance with §7-1.F of this Charter; (d) public participation (including, but not limited to, public speaking); and, (e) the frequency of meetings of all Boards and Commissions. The agendas of Boards and Commissions shall be approved by the Chair of such entity.

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

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

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

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

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

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

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

**H. Removal.** Unless otherwise set forth in the General Statutes or this Charter, the Mayor may initiate proceedings to remove a member of any appointed Board, Commission, or relevant position or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set by Ordinance.

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

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

**K. Publication of Boards and Commissions: Applicant Pool.** In

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addition to the requirements of §5-4.A of this Charter, during the month of November of each year, the Mayor shall cause to be (1) published on the Town web-site; (2) posted in a conspicuous location available to the public in the office of the Town Clerk and in such location in Town Hall as designated by the Mayor; and, (3) if practicable, published in a newspaper of local availability to the residents of the Town, a list of all the Boards and Commissions of the Town, for the purpose of creating an applicant pool. Any Elector desirous of serving on any Board or Commission may express such desire in writing addressed to the Town Clerk who shall forward such correspondence to the Mayor or other such appointing authority who shall retain such correspondence on file for two (2) years. The appointing authority of any member of any Board or Commission shall review such notices prior to making the appointment to such Board.

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

**A. Civil Service Commission.**

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

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

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

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

(c) **Oath of Office.** Said Commission members shall take the oath prescribed by the General Statutes.

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

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

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

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

### B. Board of Ethics.

(1) **Establishment.** There shall be a Board of Ethics 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, and to investigate, render probable cause findings and conduct hearings 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. 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 Ordinances.

(a) **Subpoena Authority.** 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. The Board shall choose a chair and such other officers as it may desire.

(a) **Term of Members.** The Mayor shall appoint a member(s) for a term of five (5) years, commencing on the 1<sup>st</sup> Day

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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.** The Mayor shall appoint alternates for a term of two (2) years, on the 1<sup>st</sup> 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.** If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act.

(c) **Restrictions.** 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. The opinions of the Town Attorney required by this Charter shall not be deemed to constitute interference for purposes of this sub-section.

(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.** The Board of Ethics shall oversee and regulate the ethics and conflict of interest policies of the Town.

(4) **Code of Ethics Ordinance.** 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;

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- (ii) confidentiality of complaints;
- (iii) investigations;
- (iv) the conduct of hearings;
- (v) informing the complainant and respondent of findings;
- (vi) continuing confidentiality in the event of a finding of no probable cause; and,
- (vii) public disclosure of a finding of probable cause.

(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.

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

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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.

### **C. Police Commission.**

**(1) Establishment.** There shall be a Police Commission which shall have the authority to exercise the powers and duties contained in this Charter and Ordinances pertaining to the oversight of the general management (including operations) of the Police Department of the Town and the equipment used by the members of the Department. In this regard, the Commission shall approve or disapprove policies, rules and regulations proposed by the Chief of Police as set forth in §8-5.A (4) of this Charter.

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

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

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

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

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

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

**(i)** Said power to appoint and promote personnel shall be exercised, by majority vote, from the top three (3)

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candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations.

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

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

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

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

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

As a party to any proceeding or hearing, any member of the Police Department may be represented by counsel. Said Commission shall make such recommendations as it deems reasonable to adjust a complaint heard by it but shall not commit the Town for the payment of money damages and may not affect the rights of any person under the Merit System.

**D. Fire Commission.**

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

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

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

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the year of appointment.

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

**(a)** confer with and advise the Mayor and the Fire Chief with respect to the general management of the Fire Department.

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

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

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

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

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

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

**(4) Complaints.**

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

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

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

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

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**E. Zoning Board of Appeals.**

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

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

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

**(2) Appointment and Membership.** The Board (comprised of five (5) regular members and three (3) members of a "Panel of Alternates") shall consist of eight (8) Electors of the Town appointed as set forth in §7-1.B of this Charter. The Commission shall choose a chair and such other officers as it may desire. The Board shall follow the requirements of the General Statutes pertaining to the call of public meetings, the administration of oaths, compelling of attendance of witnesses, preparation of meeting minutes and the filing of rules, regulations and requirements (and the amendment or repeal thereof) and decisions as public records.

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

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

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

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

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Commission.

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

**F. Planning and Zoning Commission.**

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

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

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

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

(b) **Assignment of Alternate Members.** When a regular member of the Planning and Zoning Commission is absent, the Chairman of the Commission shall designate an alternate, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

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

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**G. Building Board of Appeals.**

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

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

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

**H. Personnel Appeals Board.**

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

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

(a) **Term.** The Mayor shall appoint regular members for a term of three (3) years, for a term commencing on the 1<sup>st</sup> 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, §11-13 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983.*)

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

(c) **Quorum.** The quorum requirements shall conform to

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the requirements of the General Statutes.

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

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

**I. Library Board.**

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

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

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

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

**J. Inland Wetlands Commission.**

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

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

(a) **Term.** The Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1<sup>st</sup> Day of May of

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the year of appointment, which terms shall be staggered as established at the date of the original appointments.

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

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

**SECTION 7-3: APPOINTED BOARDS AND COMMISSIONS REQUIRED BY THE CHARTER.**

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

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

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

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

**SECTION 7-5: BOARDS APPOINTED BY THE LEGISLATIVE COUNCIL.**

- A. **Board of Assessment Appeals.**

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

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

(a) **Term.** The Council shall appoint members for a term of three (3) years, for a term commencing on the 1<sup>st</sup> Day of February of the year of appointment, which terms shall be staggered as established at the date of original appointments (*Historical Note: See, §11-16 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983.*)

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

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

**SECTION 7-6: CONTINUANCE OF BOARDS AND COMMISSIONS.**

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

**SECTION 7-7: MERGER OR CONSOLIDATION OF BOARDS AND COMMISSIONS.**

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

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## CHAPTER VIII: THE TOWN GOVERNMENT: DEPARTMENTS AND DEPARTMENT HEADS

### SECTION 8-1: THE AUTHORITY TO ESTABLISH THE DEPARTMENTS OF TOWN GOVERNMENT.

**A. Powers and Purposes.** In addition to the Departments specifically set forth in §§8-3 through 8-7 of this Charter, the Town, acting within the powers and duties enumerated in the General Statutes, any applicable Special Acts and this Charter may establish, by Ordinance, such Departments necessary to carry out and organize the functions of government. The express intent of this Charter is to afford the Mayor and the Legislative Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the Town consistent with the provisions herein.

**B. Creation of Departments.** Accordingly, the Legislative Council may, by Ordinance proposed by the Mayor, establish the Departments of the Town. Each of these Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and Ordinances. Moreover, the head of each Department established by Ordinance shall be subject to the provisions of this Charter generally applicable to Department Heads and shall serve coterminously with the term of the appointing Mayor (however, may continue to serve until a successor shall be appointed and shall have qualified); unless otherwise provided by the General Statutes or this Charter. All Departments shall be entitled to office space provided by the Town and shall remain open during such hours as the Mayor may direct.

**C. Reorganization Plans.**

(1) The delineation of departmental categories in this Charter is advisory and may be altered pursuant to a reorganization plan proposed by the Mayor and approved by the Legislative Council. Accordingly, any departmental categories may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by law). The reorganization plan is subject to the limitation that all governmental functions set forth in this Charter shall continue to be provided to the residents of the Town; unless such function was eliminated as the result of a repealed Federal or State mandate and not otherwise in the best interest of the Town to continue. Moreover, any reorganization plan shall include specific reference to the departmental function(s) set forth in this Charter that will be carried out in said reorganization and shall be accompanied by an opinion of the Town Attorney verifying that the reorganized function complies with the Charter requirements.

(2) Any internal departmental reorganization plan proposed by a Department Head, pertaining to non-budgetary matters, shall be

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forwarded to the Mayor for review, approval and final action, prior to announcement and implementation of the plan by the Department. Notwithstanding the foregoing, with regard to the Police and Fire Departments such internal departmental reorganizational plan shall be forwarded by the Department Head (following review and approval by the Mayor) to the Police Commission and the Fire Commission, as applicable, for review, approval and final action, prior to announcement and implementation of the plan.

### SECTION 8-2: APPOINTMENT OF DEPARTMENT HEADS AND OTHER MAYORAL DEPARTMENTAL APPOINTEES; GENERAL REQUIREMENTS.

**A. Appointment.** Except as otherwise provided by law or the provisions of this Charter, all Department Heads and other Mayoral appointees shall be appointed by and subject to the authority of the Mayor, following approval by the Legislative Council. The terms of the Department Heads established by Charter are set forth in each applicable section. The terms of Department Heads and other Mayoral appointees established by Ordinance or otherwise shall be coterminous with that of the appointing Mayor unless otherwise set forth by agreement of the Mayor and the Legislative Council by Ordinance (for Departments not set forth in this Charter), by employment contract (as set forth in §8-2.C of this Charter) or both.

**B. Removal.** The Department Head or appointee may be removed from office by the Legislative Council, in accordance with the provisions of §3-10 of this Charter or by authority of the Mayor, in accordance with §3-10.A (2) and the provisions of Chapter VIII of this Charter.

(1) **Vacancy.** In the event of a Vacancy in the office of any Department Head or other Mayoral appointee, a successor may be appointed as set forth in §8-2.A of this Charter.

(2) **Full-time Service.** The general rule is that all Department Heads and Mayoral appointees shall devote full time to the duties of office; subject to modification by Ordinance or adoption of the budget, following a written determination by either the Mayor or the Legislative Council that full-time service is not required.

**C. Employment Contracts.** Except for employees of the Mayor's office and the Legal Department (unless otherwise required by law) and notwithstanding the provisions of §8-2 of this Charter, the Mayor may, with the approval of the Council, enter into an employment contract with a Department Head or Mayoral appointee not covered by the provisions of the Merit System. Such contracts shall be subject to the following provisions:

(1) The term of the contract shall not exceed three (3) years, provided that any such contract shall include an initial ninety (90) day probationary period. Moreover, the contract term shall not extend more than twelve months following the commencement of the term of office

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following that of the appointing Mayor.

(2) The contract may extend for said period, only if recommended by the Mayor and approved by a two-thirds (2/3<sup>rds</sup>) vote of the Council present and voting.

(3) Notwithstanding the provisions of §3-10 of this Charter, the Mayor may remove the contract employee at any time. However, the contract shall contain a provision that would provide the employee with a sole remedy in the event such employee is removed without cause; which provision shall not apply in the event the employee is removed for cause or within the first ninety (90) days of such contract.

(4) In the event the Mayor announces an intention not to run for re-election or following September 1 of the year in which there is a Mayoral election, whichever is earlier, the Mayor shall not recommend nor shall the Council act upon an employment contract under this provision.

The Mayor may instruct the Personnel Director to prepare job descriptions, conduct searches, interviews and examinations for any position to be filled under this section.

**D. Effect of Charter on Department Heads.** Unless otherwise terminated pursuant to law, the status of Department Heads holding office subject to appointment on the effective date of this Charter shall continue until the end of their term. Thereafter, the provisions of this Charter shall apply.

**E. Authority of Department Heads.** Once appointed as described in this Charter, the Department Head shall appoint, hire, discipline and remove all deputies, assistants and other employees of the Department as provided for in the budget and subject to (1) the authority of the Mayor or designee; (2) any specific provisions of this Charter or law pertaining to the authority of the Department Head and the relationship with a governing Board or Commission; (3) the rules and regulations of the Civil Service Commission; and, (4) any applicable collective bargaining agreements. This provision shall not apply to Mayoral appointees assigned to a particular department.

**F. Qualifications of Department Heads.** The job qualifications of all Department Heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be established by Ordinance following the recommendation of the human resources or personnel director or as may otherwise be designated by Ordinance. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a Vacancy occurs in the position.

**G. Compensation.** The salaries and compensation of all Officials, Department Heads and employees of the Town shall be set by Ordinance or through the budget, except where otherwise fixed by the General Assembly or

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as otherwise covered by the Merit System and civil service rules, collective bargaining agreement(s) or contract.

**H. Residency.** The Legislative Council may, in its discretion, establish by Ordinance a residency requirement or compensation benefit for residency in the Town for all Department Heads, to the extent permitted by law and subject to the provisions of applicable collective bargaining agreements.

**I. Liability.** Any Public Official, any employee of any Department or member of any Board or Commission of the Town who shall, in order to provide for the payment of any bill, account or claim against the Town, knowingly instruct, or vote to instruct, or in any manner cause, the Director of Finance to draw upon any specific item of the appropriations as made by the Legislative Council other than the item against which such bill, account or claim is properly and legally chargeable, shall be personally liable to the Town for the amount of such bill, account or claim.

**J. Surety Bonds of Certain Town Officials.** The following employees of the Town, shall severally give bonds, with surety, to said Town in such manner and form as the General Statutes or Ordinances shall prescribe, for the faithful performance of the duties of their respective offices: the Director of Finance, Purchasing Agent, Tax Collector, and any and all Public Officials and employees of said Town in any Department thereof, charged with the custody and control of property, monies, or goods of said Town, or the collection or disbursement of the same, as determined by the Director of Finance or otherwise required by the General Statutes, this Charter or Ordinance. The premiums for said bonds shall be paid by the Town.

All bonds, except that of the Director of Finance, shall be set by and lodged with the Director of Finance of said Town. The Director of Finance's bond shall be set by and lodged with the Mayor. In case of the refusal or neglect of any Official or employee to give the bond so required, such office shall be deemed Vacant by reason of such refusal or neglect, and, on a declaration being made to the Legislative Council by the Director of Finance to that effect, such Vacancy shall be filled in the manner provided by this Charter.

**K. Position Titles.** The position titles of the Department Heads set forth in this Charter reflect the title at the time of the adoption of this Charter. Titles may be changed; however, the functions and fiduciary obligations specifically set forth in this Charter shall not be altered.

### **SECTION 8-3: THE LEGAL DEPARTMENT - TOWN ATTORNEY.**

**A. Established.** The Town Attorney shall be the head of the Legal Department of the Town. In this respect, the Town Attorney shall have the power to employ bond counsel and such other assistant Town Attorneys, and any special assistants required, all of whom shall be attorneys admitted to practice law in this State, and who shall be responsible to the Town Attorney.

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**B. Appointment of the Town Attorney.** The Mayor shall appoint the Town Attorney as set forth in §8-2.A of this Charter. The Town Attorney shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(1) The Mayor shall, subject to the approval of the Council, propose the rates of compensation to be received by the Town Attorney and assistants.

**C. Qualifications.** The Town Attorney shall be an attorney admitted to practice law in this State and who shall have been practicing for at least five (5) years.

**D. Powers and Duties.** The Town Attorney shall be the legal advisor of the Mayor, and all other Departments, Public Officials, Boards, Commissions or agencies of the Town, in all matters affecting the interests of the Town. In this respect, the Town Attorney shall:

(1) appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its Departments, Public Officials, Boards, Commissions or agencies.

(2) have the power, with the approval of the Mayor and subject to such rules and limitations as the Council may from time to time adopt, to appeal from orders, decisions or judgments in such cases and to compromise and settle any claims by or against the Town subject to approval of the Mayor.

(3) prepare or approve the form of all contracts or other instruments to which the Town is a party or in which it has an interest, and shall prepare all codifications of Ordinances as may be required by the General Statutes or the Council.

(4) review, at least every five (5) years, the Ordinances and Statutory Resolutions of the Town to ensure compliance with the General Statutes and this Charter and to make recommendations to the Legislative Council accordingly.

**E. Opinions of the Town Attorney.** Upon written request of the Mayor or a member of the Council, the Town Attorney shall furnish them with written opinions on any questions of Law with respect to any Town matter, including, but not limited to interpretations pertaining to the applicability and enforcement of the provisions of this Charter. The opinions of the Town Attorney shall be indexed and kept in the office of the Town Attorney. Said book shall be a matter of public record and the property of the Town and shall be delivered by the Town Attorney to a successor upon resignation, removal, or the expiration of the term of office. Said opinions shall be determinative with respect to interpretations of law and the Charter and the actions of the Officials,

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Boards and Commission of the Town.

**SECTION 8-4: GOVERNMENT ADMINISTRATION.**

There shall be established a system of government administration specifically designed to reduce duplication of services and efficiently foster the delivery of services to the Town. The benefits of such system shall be conferred upon the general government and, where permitted or by mutual agreement, upon the Department of Education.

**A. The Department of Finance.**

The Department shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of Town funds and money, the control over expenditures and such other powers and duties as may be required by the General Statutes, this Charter, Ordinance or Order or Motion of the Council.

**(1) The Director of Finance.** The Department Head shall be the Director of Finance who shall, under this Charter and Ordinances, be subject to the direction of the Mayor in all matters concerning the financial affairs of the Town. The director shall be responsible for the efficiency, discipline and good conduct of the Department and have direct supervision of the members of the Department. The Director of Finance shall have a fiduciary responsibility to the Town and shall, at all times, be required to accurately report information to the Mayor and the Legislative Council.

**(a) Appointment.** The Mayor shall appoint the Director of Finance as set forth in §8-2.A of this Charter. The Director of Finance shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

**(b) Qualifications.** Said Director of Finance shall be qualified by education, training and experience in public administration and public finance, including, but not limited to budget, purchasing and personnel practices as well as additional qualifications as may be established by Ordinance. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

**(c) Appointment and Removal of Employees.** Except as provided in this chapter, the Director of Finance shall appoint and may remove, subject to the provisions of the Merit System, all other employees of this Department. Additionally, the Director of

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Finance shall have all the duties and powers prescribed by Law to town treasurers and shall be responsible for town deposits.

**(d) Additional Duties and Responsibilities.** The Director of Finance shall:

**(i)** Keep accounts showing the financial transactions for all Departments and agencies of the Town.

**(ii)** Prescribe the forms of such accounts, with the approval of the Mayor.

**(iii)** Prepare financial reports for each quarter and for each fiscal year and such other periods as may be required by the Mayor.

**(iv)** Prepare monthly reports to the Legislative Council on transfers as they are prescribed in §10-7.D of this Charter.

**B. The Tax Collector.**

**(1) Appointment.** The Mayor shall appoint the Tax Collector as set forth in §8-2.A of this Charter utilizing the recruitment provisions of the Merit System; however, the Tax Collector may be removed from office as set forth in §§3-10 and 8-2.B of this Charter or as may be required by law. The Tax Collector shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

**(2) Qualifications.** The Tax Collector shall be required to meet the requirements, qualifications and certifications as may be set forth in the General Statutes. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

**(3) Powers and Duties.** The Tax Collector shall collect all taxes and assessments duly levied by the Town, as provided for in the General Statutes of the State of Connecticut, this Charter and the Ordinances and such other duties as the Council may prescribe. In addition, the Tax Collector shall:

**(a)** be responsible to the Director of Finance, or such other official as may be designated by the Mayor, in the performance of duties.

**(b)** report all tax collection information as prescribed by the Director of Finance in accordance with the policies of the Department of Finance.

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(c) pay to the accounts designated by the Director of Finance all monies collected in accordance with the policies of the Department of Finance.

**C. The Assessor.**

(1) **Appointment.** The Mayor shall appoint the Assessor as set forth in §8-2.A of this Charter, utilizing the recruitment provisions of the Merit System; however, the Assessor may be removed from office as set forth in §§3-10 and 8-2.B of this Charter or as may be required by law. The Assessor shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

(2) **Qualifications.** The Assessor shall be required to meet the requirements, qualifications and certifications as may be set forth in the General Statutes. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

(3) **Powers and Duties.** The Assessor shall have the powers and shall perform all duties prescribed for assessors in the General Statutes, together with such other powers and duties as may be prescribed by this Charter, the Ordinances and such other duties as the Council may prescribe. In addition, the Assessor shall be responsible to the Director of Finance, or such other official as may be designated by the Mayor, in the performance of duties.

**D. The Purchasing Agent.**

(1) **Appointment.** The Mayor shall appoint the Purchasing Agent as set forth in §8-2.A of this Charter, utilizing the recruitment provisions of the Merit System; however, the Purchasing Agent may be removed from office as set forth in §§3-10 and 8-2.B of this Charter or as may be required by law. The Purchasing Agent shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

(2) **Qualifications.** The Purchasing Agent shall be required to meet the requirements, qualifications and certifications required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

(3) **Powers and Duties.** The Purchasing Agent shall be responsible for managing the centralized purchasing system for the Town and shall contract for and purchase all services, supplies, equipment, materials and other commodities required by all Departments, offices, Boards, Commissions and other agencies of the Town, including, where practicable, the Board of Education, in a manner consistent with this

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Charter and the Ordinances. The Purchasing Agent shall be responsible for the efficiency, discipline and good conduct of the system. In addition, the Purchasing Agent shall:

(a) In the performance of duties be responsible to the Director of Finance, or such other official as may be designated by the Mayor.

(b) With respect to said Board of Education, be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for said Board to meet the curriculum and scheduling requirements of the Board, upon reasonable notice by the Board. The rules governing purchasing and procurement, including a definition of "reasonable notice", shall be set forth by Ordinance. The Purchasing Agent shall be responsible for the efficiency, discipline and good conduct of the system.

(c) Facilitate, where in the best interest of the Town, participation in any joint purchasing program administered by the State of Connecticut, any Regional Council of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies.

(4) **Centralized Purchasing System.** There shall be a centralized purchasing system for the Town (including, where practicable, the Board of Education) covering the purchase of all services, supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the Legislative Council shall, upon recommendation of the Purchasing Agent, establish by Ordinance the rules and regulations governing the operation of said central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. The rules and regulations shall include, but not be limited to, provisions governing:

(a) Additional roles and responsibilities of the Purchasing Agent;

(b) Competitive procurement and solicitation requirements, including local business preference;

(c) Specifications; requisition standards; and, inspection

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and testing methodologies, following consultation with the Mayor, Director of Finance and appropriate Town Officials; and,

(d) Storage; recycled and recyclable products; transfer or sale of surplus property and appropriate reporting standards; and, inventory control.

The Purchasing Agent shall review such Ordinance, every two years, and make recommendations pertaining to the purchase of all services, supplies, materials, equipment and other commodities required as well as the factors, including, but not limited to, cost, competition and processes, that assure compliance with the provisions of this Charter.

(5) **Repealer.** Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed.

**E. Personnel and Human Resources.**

(1) **Equal Employment Opportunity.** It shall be the policy of the Town to afford equal opportunity to all qualified applicants and to all Public Officials and employees of the Town with respect to initial employment, advancement and general working conditions, without regard to race, religious creed, color, age, gender, marital status, sexual orientation or civil union status, ancestry, national origin, physical disability or any other persons as may be defined or otherwise protected by the General Statutes. Public Notice shall be given for all openings in Town positions, including Mayoral appointments, prior to the filling of such positions. For these purposes Public Notice shall be posted, prior to the date that final applications may be due, as determined by the Director of Personnel.

(2) **The Merit System and Personnel and Human Resources Policy of the Town.** It shall be the policy of the Town to establish and maintain, by Ordinance and regulation, consistent with the policies of this Charter, a Merit System and civil service rules and regulations that will assure recruitment of the best available persons to appointment to Vacant positions in the Classified Services of the Town on the basis of merit and in conformity with recognized principles of public personnel administration. Moreover, the Director of Personnel shall endeavor to train and evaluate employees and bargain fairly with the collective bargaining representatives of employees.

(3) **Director of Personnel.**

(a) **Appointment.** The Mayor shall appoint the Director of Personnel as set forth in §8-2.A of this Charter. The Director of Personnel shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-

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2.B of this Charter and until a successor shall be appointed and shall have qualified.

**(b) Qualifications.** The Director of Personnel shall be required to meet the requirements, qualifications and certifications required by the Town in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

**(c) Powers and Duties.** The Director of Personnel shall be the primary advisor to the Mayor and Legislative Council regarding the personnel and human resources policies of the Town and the administrator of the Personnel, Human Resources and Merit System, including the civil service rules and regulations, as set forth in §7-2.A (2) (a) of this Charter. In the event the Director is appointed the chief examiner, as required by the General Statutes, said Director shall serve as Executive Secretary of the Civil Service Commission. The Director shall be responsible for using best practices in the field pertaining to the following:

**(i)** Administration of up-to-date civil service lists and the competitive examinations necessary for the hiring and promotion of Town personnel (including, the Board of Education, where practicable);

**(ii)** Planning and implementing a system to achieve productivity improvements through training and technology;

**(iii)** Ensuring that job descriptions are current and reflect the skills and tasks necessary to conduct the business of the Town;

**(iv)** Undertaking the cost effective selection and administration of benefits for Town employees;

**(v)** Assisting the Civil Service Commission in its deliberations and investigations;

**(vi)** Establishing and maintaining timely and up-to-date eligibility lists for the various classes and positions of employees and notifying the Department Heads (including the Superintendent of Schools) of the expiration of said lists no less than six (6) months prior to said expiration and certifying eligible employees to the appropriate Departments in accordance with selection standards;

**(vii)** Maintaining all necessary performance records and ratings and all other records necessary for the

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administration of the Commission and the Department;

(viii) Making an annual report to the Civil Service Commission, the Legislative Council and the Mayor; and

(ix) Such other duties as set forth by Ordinance or by the Civil Service Commission in accordance with the provisions of this Charter and Ordinances.

**SECTION 8-5: PUBLIC SAFETY, HEALTH AND COMMUNITY SERVICES.**

**A. The Police Department.**

(1) The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the Laws of the State and the Ordinances of the Town and all rules and regulations made in accordance therewith.

(2) All sworn members of the Department shall have powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes.

(3) Nothing herein shall be construed to limit the power of special constables appointed in accordance with the General Statutes.

(4) **The Chief of Police - Powers and Duties.** The head of the Police Department shall be the Chief of Police who shall be responsible for the general management and operations of the Police Department. In this regard, the Chief shall propose, in writing, policies, rules and regulations concerning the general management and operations of said Department and the conduct of all its members, subject to approval by the Board of Police Commissioners.

(a) **Appointment.** The Mayor shall appoint the Chief of Police as set forth in §8-2.B of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes. The Chief of Police shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** The Chief of Police shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

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**(c) Additional Duties and Responsibilities.**

(i) The Chief shall be responsible for the training, efficiency, discipline and good conduct of all members of the Department and the care and custody of all property used by said Department, and shall consult with the Police Commission on the general management of the Department, including, but not limited to, prior consultation on budgetary matters and as otherwise required by §8-1.C of this Charter.

(ii) The Chief may discipline members of the Department for violation of rules and regulations of the Department. Any such disciplinary action may be appealed by the individual to the Police Commission. The appeal of such disciplinary action shall stay the imposition of the discipline until the appeal is decided by the Commission unless the Chief finds that immediate suspension with pay is required to ensure the public safety, which finding is subject to immediate review by the Commission.

(iii) The Chief shall assign all members of the regular divisions to their respective posts, shifts, details and duties.

**B. The Fire Department.**

(1) The Fire Department shall consist of the regular and volunteer divisions which shall be responsible for the protection of life and property in the Town from fire and other like disasters and emergencies, and for the enforcement of all Laws, Ordinances, and regulations relating to fire prevention and fire safety.

(2) **The Fire Chief - Powers and Duties.** The head of the Fire Department shall be the Fire Chief who shall be responsible for the general management and operations of the Fire Department. In this regard, the Chief shall propose, in writing, policies, rules and regulations concerning the general management and operations of said Department and the conduct of all its members, subject to approval by the Fire Commission.

(a) **Appointment.** The Mayor shall appoint the Fire Chief as set forth in §8-2.B of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes. The Fire Chief shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** The Fire Chief shall meet the

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requirements, qualifications and certifications as may be set forth in the General Statutes and required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

**(c) Additional Duties and Responsibilities.**

**(i)** The Fire Chief shall assign all members of the regular divisions to their respective posts, shifts, details and duties.

**(ii)** The Fire Chief shall be responsible for the training, efficiency, discipline and good conduct of the regular and volunteer divisions and for the care and custody of all property used by the Department.

**(iii)** The Fire Chief shall consult with the Fire Commission on the general management of the Department, including, but not limited to, prior consultation on budgetary matters and as otherwise required by §8-1.C of this Charter;

**(iv)** The Chief may discipline members of the Department for violation of rules and regulations of the Department, where applicable in accordance with the General Statutes.

**(v)** Any such disciplinary action may be appealed by the individual to the Fire Commission. The appeal of such disciplinary action shall stay the imposition of the discipline until the appeal is decided by the Commission unless the Chief finds that immediate suspension with pay is required to ensure the public safety, which finding is subject to immediate review by the Commission.

**(3) The Fire Marshal.** The Fire Marshal(s) and Deputy Fire Marshal(s) shall be appointed as set forth in §7-2.D (3) (d) of this Charter.

**(4) Volunteer Companies.** Nothing in this Charter shall be construed to affect the organization, status or property of the active volunteer fire companies. Whenever regular and volunteer companies are acting together, they shall be under the command of the ranking officer of the regular Fire Department present at the scene.

**C. The Health District.**

**(1)** Under provisions of the General Statutes governing Health Districts, the Town is authorized to enter into such a District. Any

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provisions of this Charter to the contrary notwithstanding, if such a District is joined, it shall act in place of the Health Department and the District Director shall act as Health Director for the Town.

(2) At the time of the adoption of this Charter in 2011, the Town was party to an agreement utilizing the services of the Quinnipiack Valley Health District. Said continued utilization of the services of the Health District is subject to the approval of the Town.

(3) Notwithstanding the foregoing, the Town may chose to provide health services to its residents in any manner as may be granted by the General Statutes.

**D. Community Services.**

There shall be established by Ordinance, Departments of the Town that deal with key functions such as human services, recreation and other community services. Such administrative offices shall always have in place up-to-date action plans to address the health, human service and recreation needs of children, youth, adults and the elderly and shall implement these plans in close coordination with the appropriate state offices and with other pertinent private and public agencies.

**SECTION 8-6: GOVERNMENT OPERATIONS AND INFRASTRUCTURE.**

**A. Department of Public Works and Parks.**

(1) **Powers.** The Department of Public Works and Parks shall, except as otherwise supplemented by the Legislative Council, have supervision and control of the planning, constructing and reconstructing, altering, paving, repaving, maintaining, cleaning, lighting and inspecting of all Town infrastructure, including, but not limited to, streets, bridges, parkways, public drains, sidewalks and curbs, sanitation, trees, buildings and grounds and fleet maintenance. Unless otherwise authorized and agreed to by the Mayor and the Legislative Council, the Department shall be responsible for controlling, maintaining, developing, operating and managing all public grounds, buildings, equipment and facilities provided by the Town for park purposes.

(a) Any provision of this section to the contrary notwithstanding, the Department of Public Works and Parks may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the Board of Education and approved by the Council, provided the costs are charged against the Board of Education's appropriations.

(2) **Director of Public Works and Parks.** The head of the Department shall be the Director of Public Works and Parks, who shall exercise the powers and duties of the Department under the direction of the Mayor.

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(a) **Appointment.** The Mayor shall appoint the Director of Public Works and Parks as set forth in §8-2.A of this Charter. The Director of Public Works and Parks shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** The Director of Public Works and Parks shall be chosen on the basis of executive and administrative qualifications or experience. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

(c) **Appointment and Removal of Employees.** Subject to the Merit System, except as hereinafter provided, the Director shall appoint and may remove all other employees of the Department.

(d) **Tree Warden.** The Director of Public Works and Parks shall supervise the tree warden, with all the powers and duties provided by Law.

(e) **Additional Park functions.** The Director shall (i) perform such park duties as the Mayor may direct; (ii) consult with any Board or Commission established to address park and/ or recreational functions; (iii) prepare regulations for the use of said park facilities for recreational programs; and, (iv) recommend, to the Department Head responsible for recreational activities, the fees to be charged for such use.

### **B. Engineering Department.**

(1) **Powers.** The Department shall be responsible for providing professional engineering services to assist in maintaining and improving the Town's infrastructure. Moreover, the Department shall provide or supervise planning, surveying, design, and construction administration and inspection services for the Town's capital improvement projects, including highway, bridge, storm drainage, and other municipal infrastructure projects.

(2) **The Town Engineer.** The head of the Department shall be the Town Engineer who shall, under the Charter and Ordinances, be subject to the general direction of the Mayor in all matters concerning the engineering needs of the Town. The director shall be responsible for the efficiency, discipline and good conduct of the Department and have direct supervision of the members of the Department.

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(a) **Appointment.** The Mayor shall appoint the Town Engineer as set forth in §8-2.A of this Charter. The Town Engineer shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** Said Town Engineer shall be a professional engineer licensed or certificated by the State in accordance with the General Statutes, experienced in the active practice of the profession. Furthermore, said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

(c) **Appointment and Removal of Employees.** The Town Engineer shall have charge of all engineering work of the Town and shall appoint (subject to the provisions of the Merit System) and remove such other assistants as may be required.

(d) **Responsibilities.** The Town Engineer shall be responsible to the Mayor and shall have the duty of advising the Department of Public Works and Parks and any other Board, Commission or Department concerning engineering problems.

### SECTION 8-7: TOWN PLANNING, ZONING ENFORCEMENT, ENVIRONMENT AND ECONOMIC DEVELOPMENT.

#### **A. Town Planning and Zoning Enforcement Responsibilities.**

There shall be Department(s) established for the coordination of the planning and zoning functions, including, but not limited to the master plan or plan of development (or the successor planning requirements), building code inspection and enforcement, building zone regulations, subdivision regulation, the renewal activities and the capital planning activities of the Town. Each of these Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, Special Acts, this Charter and the Ordinances. The directors of each Department established by Ordinance shall be subject to the provisions of this Charter generally applicable to Department Heads.

#### **B. Building Department.**

(1) **Powers.** The Department shall be responsible for administering and enforcing the State of Connecticut Building Code and the provisions of the General Statutes and regulations that govern residential, commercial and industrial construction. Moreover, the Department shall assist the Fire and Police departments in emergency situations pertaining to enforcement of the provisions of the Building Code.

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(2) **Building Official.** The head of the Department shall be the Building Official who shall perform such duties as may be required by Law.

(a) **Appointment.** The Mayor shall appoint and may remove the Building Official, subject to the provisions of the General Statutes and, if consistent therewith and applicable thereto, the Merit System. In accordance with the provisions of the General Statutes, the Building Official shall hold office for the prescribed term, subject to reappointment, or until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** Said Building Official shall meet the qualification and license requirements as set forth in the General Statutes and meet such education, training and experience in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

(c) **Appointment and Removal of Employees.** Said Building Official may appoint and may remove, subject to the provisions of the Merit System, such assistants as may be necessary.

**C. The Town Planning and Zoning Department.**

(1) **Powers.** The Department shall, except as otherwise supplemented by the Legislative Council, be responsible for ensuring appropriate development and adaptation to changes of the built environment; protecting the Town's natural resources; updating and enforcing zoning, inland wetland and water course, subdivision, aquifer protection, flood plain, village district regulations; processing applications for land use; providing oversight of the Planning & Zoning Commission, Zoning Board of Appeals, Inland Wetland and Water Course Commission, and other Commissions or Boards that fall within the purview of the Department; and enforcing the Anti-Blight and Property Maintenance and related Ordinances of the Town.

(2) **The Town Planner.** The Town Planner shall be the head of Town Planning and Zoning Department and shall have the duty of advising the Mayor and the Town Planning and Zoning Commission concerning a comprehensive plan of development. The Town Planner shall have the duty of advising the Town Planning and Zoning Commission, and any other Commission or Department concerning the effect of any actions it may take on said comprehensive plan. The Town Planner shall be responsible to the Mayor.

(a) **Appointment.** The Mayor shall appoint the Town

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Planner as set forth in §8-2.A of this Charter. The Town Planner shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter of this Charter and until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** The Town Planner shall be a graduate municipal planner or otherwise professionally qualified by training or experience, including but not limited to any certifications by professional organizations in the planning field. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.F of this Charter.

(c) **Appointment and Removal of Employees.** Subject to the provisions of the Merit System, the Town Planner may appoint and may remove all other employees of the Department.

(3) **Zoning Enforcement Officer.** The Town Planner shall appoint and may remove subject to the provisions of the Merit System a Zoning Enforcement Officer who shall be responsible for the enforcement of zoning regulations and have such other duties as the Council may prescribe.

**D. Other Departments.**

The Town may establish other Departments to administer programs pertaining to the environmental, economic development and planning needs of the Town.

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**CHAPTER IX: EDUCATION**

**SECTION 9-1: BOARD OF EDUCATION.**

**A. Board of Education Established.** There shall be a Board of Education consisting of the Mayor, ex-officio, and nine (9) Electors of the Town, elected as set forth in §3-3 of this Charter.

**B.** Said Board shall have all the powers conferred and imposed by the General Statutes on boards of education in respect to the control and management of schools.

**SECTION 9-2: BUDGET.**

The Board of Education shall submit its budget to the Mayor at the same time as other Departments of the Town. If the Board receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure in accordance therewith and file a copy thereof with the Mayor and with the Council. The Board shall report monthly to the Mayor and to the Council a comparison of actual and estimated expenditures. The Director of Finance shall keep a full and complete record of all financial transactions of the Board of Education.

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**CHAPTER X: BUDGET**

**SECTION 10-1: FORMULATION AND SUBMISSION OF TOWN BUDGETARY REQUESTS.**

**A. Submission of Budgetary Request.** Prior to the submission of the budget of the Mayor to the Council, each Department of the Town supported wholly or in part of Town funds, including the Board of Education, shall submit to the Mayor and the Director of Finance at such time in such form and containing such information as the Director of Finance may require, a budgetary request showing services, activities and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

**B. Contents of Budgetary Request.** The budgetary request shall include a detailed estimate of the expenditures to be made by the Department, and the revenue, other than tax revenues, to be collected in the ensuing fiscal year and such other information as may be required by the Council, the Mayor, or the Director of Finance.

Forms provided by the Director of Finance for the itemized estimates of income and expenditures shall require no less than the following data:

- (1) an itemization of all proposed expenditures for services or administration to be provided, including manpower and monetary requirements.
- (2) comparative figures for: (a) actual or estimated income, other than income from tax revenues, and expenditures for the current fiscal year; and, (b) Actual income, other than income from tax revenues, and expenditures for the preceding fiscal year, and proposed expenditures for current operations during the ensuing fiscal year.

**SECTION 10-2: THE MAYOR, AND THE DIRECTOR OF FINANCE AND THE BUDGET.**

**A. Mayor Transmits Proposed Town Budget to the Legislative Council.** Annually, not later than the eighteenth (18<sup>th</sup>) Day of March ("Budget Transmittal"), the Mayor, having reviewed or revised the budgetary requests outlined in §10-1 of this Charter, shall present to the Council a budget that shall provide a listing of all Town funds for the appropriate period(s) and a budget message that shall:

- (1) explain the budget both in fiscal terms and in terms of work programs;
- (2) outline the proposed financial policies of the Town government for the ensuing year;

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- (3) describe the important features of the budget - including major changes from the current fiscal year;
- (4) summarize the Town's debt position; and,
- (5) include such other material as the Mayor deems desirable.

**B. Contents of the Proposed Town Budget.** The Proposed Town Budget shall show:

(1) estimates of revenue, presenting the itemized receipts collected in the preceding fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, and estimates of the receipts to be collected in the ensuing fiscal year; and,

(2) itemized estimates of expenditures, presenting the actual expenditures for each Department for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, and the requests of the several Departments for the ensuing fiscal year.

(3) The contents of the Proposed Town Budget shall also contain:

(a) an estimate of the available surplus or deficit, at the end of the current fiscal year;

(b) proposed expenditures for debt service for the ensuing fiscal year;

(c) the proposed property tax levy for the ensuing fiscal year;

(d) the recommendations of the Mayor and the Director of Finance of the amounts to be appropriated for the ensuing fiscal year for all items, including those of the Board of Education (as outlined in §9-2 of this Charter); and,

(e) such other information as the Council may require. The Mayor shall report to the Council the reason for all such recommendations.

**C. Proposed Capital Expenditures.** As a part of the annual Proposed Town Budget or as a separate report attached thereto, the Mayor shall present a program of proposed Capital Expenditures for the ensuing fiscal year and for five fiscal years thereafter. Estimates of the cost of such expenditures shall be submitted by each Department annually in the form and manner prescribed by

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the Mayor and the Director of Finance. The Mayor shall recommend to the Council those expenditures to be undertaken during the ensuing fiscal year and the method of financing the same.

**D. Public Inspection.** At the time of Budget Transmittal, the Mayor shall make available for public inspection in the Town Clerk's Office and the library system several copies of the Proposed Town Budget and all supportive material and supplements which are available to the Council, in accordance with the Public Notice provisions of this Charter.

**SECTION 10-3: LEGISLATIVE ACTION ON THE PROPOSED TOWN BUDGET.**

**A. Public Hearing(s) on the Proposed Town Budget.** Annually, the Council shall hold one or more public hearings not later than the first (1<sup>st</sup>) Day of May, at which any Elector or taxpayer may have an opportunity to be heard regarding the Proposed Town Budget.

**(1) Meeting Notice.** On or before the twenty-fifth (25<sup>th</sup>) Day of April, the Council shall cause to be issued a Meeting Notice (including a general summary of the proposed budget) for one or more Public Hearings on the Proposed Town Budget.

**(2) Public Inspection.** In accordance with the Public Notice provisions of this Charter, the Council shall make available for general distribution to the public of the Town of Hamden, copies of the Proposed Town Budget including the Board of Education budget in detail, containing the Mayor's proposals regarding revenues and expenditures, the comparative figures for the current fiscal year, and the amount to be raised by taxation.

**(3) Modification of the Proposed Budget.** After the Public Hearing(s) on the Proposed Town Budget, the Council may add or increase programs or amounts and may delete or decrease programs or amounts, except that no items of expenditure required by Law or for debt service may be deleted or decreased.

**B. Adoption of the Proposed Town Budget by the Legislative Council.** Subject to the provisions of §10-4 of this Charter, the Council shall adopt the Proposed Town Budget not later than the seventeenth (17<sup>th</sup>) Day of May, and shall make the same available for public inspection in accordance with the Public Notice provisions of this Charter ("Adopted Town Budget").

**(1) Establishment of the Tax Levy.** At the time the Council adopts said budget, it may also at said time or such later date as the General Statutes may permit, fix the tax rate in mills, which shall be levied on the taxable property in the Town for the ensuing fiscal year.

**(2) Failure to Adopt a Town Budget.** Should the Council not have adopted a Town Budget within the allotted time, the Proposed Town

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Budget, as originally submitted by the Mayor, shall be deemed to have been adopted by the Council as the Town Budget Ordinance and the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-5 of this Charter.

(3) **Lapsed Funds.** Any portion of an annual appropriation unexpended and unencumbered at the close of a budget year shall lapse.

**SECTION 10-4: APPROVAL, VETO, ACCEPTANCE AND VETO OVERRIDE OF THE ADOPTED TOWN BUDGET.**

**A. Transmittal of Adopted Town Budget to Mayor.** Annually, the Adopted Town Budget shall be transmitted to the Mayor by the Clerk of the Council within five (5) Days after Council action thereon, but not later than the twenty-second (22<sup>nd</sup>) Day of May, whichever is earlier.

(1) **Mayoral Action.** Not later than the first (1<sup>st</sup>) Day of June or within fifteen (15) Days after said transmittal (whichever is earlier), the Mayor shall (a) approve; (b) fail to take action; or (c) veto the Adopted Town Budget. Notwithstanding the foregoing, the Mayor's veto power shall not extend to appropriation items in the Town budget regarding debt service or the auditing of Town Books and accounts. In the event the Mayor fails to take action upon the Adopted Town Budget, the Town Clerk shall endorse such fact upon the official copy of said Town Budget Ordinance.

(2) **Legislative Override of Mayoral Veto.** The Adopted Town Budget vetoed by the Mayor shall be returned within the same fifteen (15) Days to the Clerk of the Council with a statement of the reasons for the veto.

(a) Following receipt of the Mayor's veto, but not later than the 10<sup>th</sup> day of June, any vetoed Adopted Town Budget, again approved by an affirmative vote of at least two-thirds (2/3<sup>ds</sup>) of the Council present and voting at a meeting, shall become effective in accordance with this section at which time the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-5 of this Charter.

(b) In the event the Mayor's veto is sustained, the Proposed Town Budget, as originally submitted by the Mayor, shall be deemed to have been adopted by the Council as the Town Budget Ordinance and the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-5 of this Charter.

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(3) **Effective Date of Town Budget Ordinance.** The Town Budget Ordinance shall become effective on the twenty-first (21<sup>st</sup>) Day after Public Notice of Final Action; subject to the provisions of §10-5 of this Charter.

(4) **Public Notice.** Public Notice of Final Action shall be provided within twenty-four (24) hours of Final Action.

**SECTION 10-5: PETITION FOR BUDGET OVERRULE.**

A. The Town Budget Ordinance, except for fixing the tax rate, shall be subject to overrule. If within twenty (20) Days after Final Action on the budget as provided in §10-4 of this Charter, a petition signed by not less than fifteen (15%) percent of the Electors of the Town, as determined from the last official voting list, is filed with the Town Clerk requesting a referendum, the Council shall, at its next regular meeting, fix a time not more than thirty (30) days after such meeting for such election, which shall be called and held in the manner provided by the General Statutes.

(1) The Council may by a two-thirds (2/3<sup>ds</sup>) vote of those present and voting, add non binding referenda to be on the ballot of such election.

(2) The budget so referred to the Electors of the Town shall stand approved unless a majority of those voting thereon at such election shall have voted "no" and at least twenty-five (25%) percent of the Electors entitled to vote on the question shall have voted.

B. Temporary financing and spending shall be in accordance with the provisions of the General Statutes.

C. **Failure of the Overrule.** In the event the conditions set forth in §10-5.A (2) of this Charter are not achieved, the Final Action on the Adopted Town Budget shall be effective immediately as the Town Budget Ordinance, upon the certification of the election results.

D. **Success of the Overrule.** In the event the conditions set forth in §10-5.A (2) of this Charter are achieved, the Final Action on the Adopted Town Budget shall be null and void. Within fifteen (15) Days thereafter, the Legislative Council and the Mayor shall enact a Town Budget Ordinance in accordance with procedures which shall be established by Ordinance. The procedures shall include, at least one public hearing and, to the extent practicable, follow the process set forth in §§10-3 and 10-4 of this Charter along a compressed time-line; however, preserving the veto and override authority as herein set forth. Moreover, in formulating the Town Budget Ordinance, the Legislative Council and the Mayor shall take cognizance of the results of the budget overrule.

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**SECTION 10-6: FISCAL YEAR.**

The fiscal year of the Town shall begin on the first (1<sup>st</sup>) Day of July and end on the thirtieth (30<sup>th</sup>) Day of June next following.

**SECTION 10-7: EXPENDITURES AND ACCOUNTING.**

**A. Purchases, Payments, Authorization, Receipt of Funds. The Role of the Director of Finance.**

(1) No purchase shall be made on account of the Town except as prescribed by this Charter. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

(2) No voucher, claim or charge against the Town shall be paid until the same has been audited and approved by the Director of Finance or the Director's agent for correctness and legality. Checks shall be drawn by the Director of Finance for the payment of approved claims.

(3) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the Town shall pay the same to the Town.

(4) In the absence or inability of the Director of Finance to act with regard to the provisions of §10-7.A of this Charter, the Mayor may designate a person to temporarily act in place of the Director of Finance.

**B.** The several Departments, Commissions and Boards of the Town, including the Board of Education, shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefore until the matter has been approved and voted by the Council.

**C.** Each order drawn shall state the Department, Board or Commission or the appropriation against which it is to be charged.

**D. General and Special Fund Transfers.**

(1) **Intradepartmental Transfers.** On or before the first day of July each year, the Legislative Council shall establish, by Ordinance, an amount of appropriation and restrictions, if any, under the approved budget (general and special funds) which the Mayor or any Public Official of any Department, Commission, Board (except the Board of Education) designated by the Mayor, shall be authorized to transfer between line items within any Department, Commission or Board. Said transfers under this section shall not require approval by the Legislative Council unless the provisions of §10-7.D (1)(b) of this Charter shall apply.

(a) Said Ordinance may establish individual and/or

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aggregate transfer limitations.

(b) No such transfer in excess of such authorized amount shall be implemented unless it shall be (i) by Order proposed by the Mayor or any Public Official of any Department, Commission or Board designated by the Mayor; and, (ii) approved by majority vote of the Legislative Council.

**(2) Interdepartmental Transfers.**

(a) **Pertaining to the End of Fiscal Year.** The Legislative Council, by Order, may authorize the Director of Finance to make during the last ninety (90) Days of a fiscal year, interdepartmental transfers (general and special funds) in an amount that shall be established by the Legislative Council on or before the first day of July each year, by Ordinance.

(b) **Transfers of Unencumbered Appropriations.** The Council may by Order, upon the approval of the Mayor, transfer any unencumbered appropriations balance or portion thereof from one Department, Board or Commission to another.

(3) **Approved Transfers.** Each approved transfer shall be described in the monthly financial report prepared in accordance with §8-4.A(1)(d)(iv) of this Charter.

(4) **Prohibited Transfers.** No transfer shall be made from any appropriations for debt service and other statutory charges.

**E. Additional Appropriations.** Additional appropriations over and above the total budget may be made from time to time by amendment of the Budget Ordinance by the Council, upon recommendation of the Mayor and certification from the Director of Finance that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations.

**F. Liability of Officials or Employees.** If any Official or employee of the Town or the Board of Education shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action may be cause for removal as set forth in §3-10 of this Charter, civil action or both. In addition, the Town may, by vote of the Legislative Council, undertake to recover from such Official or employee, an amount equal to such obligation or expenditure so made.

**SECTION 10-8: PUBLIC FUNDS AND FINANCE.**

**A. Issuance Authorized.** The Town shall have the power to incur indebtedness by authorizing the issuance of its bonds and notes for such purposes, upon such terms and to such extent as is authorized by the General

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Statutes and any applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, emergency bond issues, revenue anticipation notes, tax anticipation notes and other issuances permitted by the General Statutes and applicable Special Acts.

**B. Procedures.** The Legislative Council shall, by Ordinance, adopt procedures for the authorization, structure and timing of the issuance of bonds and notes for the purposes authorized by the General Statutes, applicable Special Acts and this Charter.

**(1) Capital Project Bonds.** The vote of the Legislative Council to approve the issuance of Capital Project Bonds shall be by an affirmative vote of two-thirds (2/3<sup>rd</sup>) of all the members of the Council.

**(2) Non-Capital Project Bonds.** The vote of the Legislative Council to approve the issuance of Non-Capital Project Bonds shall be by an affirmative vote of two-thirds (2/3<sup>rd</sup>) of all the members of the Council.

**C. Approval of Mayor.** Such bonds shall not be authorized unless in accordance with the provisions of §10-8.B (1) or (2), whichever is applicable and approved by the Mayor in accordance with the provisions of this Charter.

### SECTION 10-9: REFERENDUM ON BORROWING OF FUNDS.

**A. Debt Service Limitation.**

**(1) Capital Projects.** Borrowing for capital projects that will cause the related debt service of the Town to exceed ten (10%) percent of the then current fiscal year's budget shall be submitted to binding referendum.

**(2) Non-Capital Projects.** Borrowing for non-capital projects that will cause the related debt service of the Town to exceed four (4%) percent of the then current fiscal year's budget shall be submitted to binding referendum.

**B.** The referendum shall take place at the next general election or at a special election called for and held in the manner provided by the General Statutes.

**C.** Approval of the borrowing by the Council shall take place not less than sixty (60) Days prior to such election.

**D.** Any capital project that would cause the debt service of the Town to exceed ten (10%) percent of the current fiscal year's budget shall not be allowed to proceed past the design stage, and borrowing of funds shall not be allowed to proceed unless a majority of those voting thereof at such election shall have voted in favor thereof.

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## CHAPTER XI: TRANSITION AND MISCELLANEOUS PROVISIONS

### SECTION 11-1: LEGAL PROCEEDINGS.

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town, or any Commission, Board or Department thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any Commission, Board or Department which is a party thereto may by or under this Charter be assigned or transferred to another Commission, Board or Department, but in that event the same may be prosecuted or defended by the head of the Commission, Board or Department to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

### SECTION 11-2: PERIODIC REVIEW OF THE CHARTER.

No later than April of 2020, and no more than every ten (10) years thereafter, the Council shall appoint a Charter Revision Commission, pursuant to the General Statutes. Nothing in this section limits the right of the Council to appoint one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Council from appointing a Commission as required by this section.

### SECTION 11-3: EXISTING LAWS AND ORDINANCES.

All special acts of the legislature and Ordinances of the Town, except as the same are in conflict with this Charter, shall continue in full force and effect until amended or repealed.

### SECTION 11-4: AMENDMENT OF CHARTER.

This Charter may be amended in the manner prescribed by Law and shall take effect as set forth by the General Statutes.

### SECTION 11-5: SAVING CLAUSE.

If any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which a section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

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**SECTION 11-6: EFFECTIVE DATE.**

The provisions of this Charter and amendments thereto, as to the administration of the Town, shall become effective upon adoption by the voters of the Town of Hamden; unless otherwise set forth in the Charter.

**SECTION 11-7: "TRANSITION PROVISION A" PERTAINING TO §3-3.B (2) OF THIS CHARTER --- THE GENERAL ELECTION SCHEDULED FOR 2012.**

On the first Tuesday after the first Monday in November 2012, the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, Registrars of Voters for the term two years as set forth in "Transition Provision D" applicable to § 3-3.B (2) of this Charter.

**SECTION 11-8: "TRANSITION PROVISION B" PERTAINING TO §3-3.C (3) OF THIS CHARTER --- THE TERM OF OFFICE FOR THE REGISTRARS OF VOTER ELECTED IN THE GENERAL ELECTION SCHEDULED FOR 2012.**

Commencing at twelve midnight on the Wednesday following the first Monday of the January next succeeding their election, the Registrars of Voters, elected in November 2012, pursuant to the transition provision applicable to §3-3.C (3) of this Charter, shall hold their offices for a term of two (2) years, until the Wednesday following the first Monday of the third January succeeding their election.

**SECTION 11-9: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR REGULAR MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the regular members of the Board of Ethics is derived from the appointments by the Mayor on or about January 1, 1984 at which time the Mayor appointed one (1) member for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years and one (1) member for a term of one (1) year. Thereafter, the members were appointed annually for five year terms. It should be further noted that at some time, based upon custom and practice, the commencement date of the term shifted from January the 1<sup>st</sup> to February the 1<sup>st</sup>.

**SECTION 11-10: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the alternate members of the Board of Ethics is derived from the appointments by the Mayor on or about January 1, 1984 at which time the Mayor appointed one (1) alternate member for a term of two (2) years and one (1) alternate member for a term of one (1) year.

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Annually thereafter, during the month of January, one (1) alternate member shall be appointed for a term of two years. Thereafter, the members were appointed annually for two year terms. It should be further noted that at some time, based upon custom and practice, the commencement date of the term shifted from January the 1st to February the 1st.

**SECTION 11-11: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR REGULAR MEMBERS OF PLANNING AND ZONING COMMISSION DERIVED FROM §13-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the Regular Members of the Planning and Zoning Commission is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed three (3) members for a term of one (1) year; three (3) for a term of two (2) years; and, three (3) for a term of three years, all to take office February 1, 1966. Thereafter, three (3) members were to be appointed, annually, during the month of January, for three (3) year terms.

**SECTION 11-12: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF PLANNING AND ZONING COMMISSION DERIVED FROM §13-2 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the Alternate Members of the Planning and Zoning Commission is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed one (1) alternate member for a term of one (1) year; one (1) alternate member for a term of two (2) years; and, one (1) alternate member for a term of three (3) years. Thereafter, each member was to be appointed, annually, during the month of January, for one (1) year term.

**SECTION 11-13: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE PERSONNEL APPEALS BOARD DERIVED FROM §17-5 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the members of the Personnel Appeals Board is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed one (1) member for a term of five (5) years; one (1) member for a term of four (4) years; one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) for a term of one year. Thereafter, members were to be appointed, annually, during the month of January, for five (5) year terms.

**SECTION 11-14: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE LIBRARY BOARD DERIVED FROM §14-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the members of the Library Board

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is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed one (1) member for a term of five (5) years; one (1) member for a term of four (4) years; one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) for a term of one year. Thereafter, members were to be appointed, annually, during the month of January, for five (5) year terms.

### **SECTION 11-15: "TRANSITION PROVISION E" PERTAINING TO §7-2.J OF THIS CHARTER --- THE INLAND WETLANDS COMMISSION.**

The Legislative Council shall repeal §§33.104 through 33.106 of the Code of Ordinances, within thirty (30) Days following the effective date of this Charter. Notwithstanding the foregoing, the provisions of this Charter shall be determinative and dispositive of all matters under the jurisdiction of the Inland Wetlands Commission, in the event conflicting Ordinance provisions have not been repealed.

### **SECTION 11-16: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE BOARD OF TAX REVIEW DERIVED FROM §4-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office of the members of the Board of Tax Review (which has been renamed the Board of Assessment Appeals) is derived from the appointments by the Legislative Council on or about February 1, 1966 at which time the Legislative Council appointed one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) for a term of one year. Thereafter, members were to be appointed, annually, during the month of January, for three (3) year terms.

### **SECTION 11-17: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR THE SIX MEMBERS OF THE BOARD OF EDUCATION DERIVED FROM §12-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office of the six members of the Board of Education is derived from the elections in November of 1985 and 1989.

### **SECTION 11-18: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR THE THREE MEMBERS OF THE BOARD OF EDUCATION DERIVED FROM §12-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office of the three members of the Board of Education is derived from the elections in November of 1983.

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**CHAPTER XII: SUNSET PROVISIONS**

**SECTION 12-1: Generally.**

The provisions of this section shall expire and be of no force and effect following any transition provisions in the Charter or upon enactment of provisions to establish the Boards and Commissions as set forth in this Charter. Upon the effective date of the enactment, the applicable provision may be removed from the Charter and shall be replaced with the following: "This provision is intentionally left blank in accordance with this Chapter of the Charter and the enactment of the Ordinance dated \_\_\_\_\_".

**SECTION 12-2: Ethics Commission.**

The following provisions pertaining to the Board of Ethics shall remain in full force and effect until such time as the code of ethics Ordinance is enacted.

**A. Duties and Powers: Advisory Opinions.**

The Board shall render advisory opinions concerning the application of this Charter and/or any code of ethics adopted by the Town to any Public Official or employee upon his or her request. Such advisory opinions shall be published and filed with the Town Clerk with such deletions as may be necessary to prevent disclosures of the identity of the Public Official or employee involved.

**B. Duties and Powers: Investigations.**

(1) **Probable Cause.** Upon the written complaint of any person, signed under penalty of false statement, or upon its own complaint, the Board shall investigate any alleged violation of the Charter and/or any such code of ethics. Any investigation whether or not there is probable cause to believe that a violation of this Charter and/or any such code of ethics has occurred shall be confidential and not open to the public unless the respondent requests otherwise. If such probable cause is found, the Board shall initiate hearings to determine whether there has been such violation.

(2) **Hearings.** All hearings pursuant to this subsection shall be open to the public. The Town Attorney or the designated representative of the Town Attorney, who shall also be an attorney, shall attend such hearings and rule on all matters concerning the application of the rules of evidence, which shall be the same as in judicial proceedings. At such hearings, the respondent shall have the right to be represented by legal counsel, the right to compel the attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. The Board may administer oaths and issue

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subpoenas to compel the attendance of witnesses and the production of books, documents, records and papers. At the request of the Board, any judge may issue a *capias* for the appearance of the respondent, witnesses, and the production of books, documents, records and papers. The Board shall find no person in violation of the provisions of this Charter and/or any such code of ethics except upon the concurring vote of four (4) of its members.

**SECTION 12-3: Parks and Recreation Commission.**

The following provisions pertaining to the Parks and Recreation Commission shall remain in full, force and effects, until such time as the replacement enabling Ordinance(s) is (or are) enacted.

A. The Mayor shall appoint, subject to the provisions of § 6-5 of this Charter, a Parks and Recreation Commission consisting of five (5) Electors of the Town, not more than three (3) of whom shall be from the same political party. Annually during the month of January the Mayor shall appoint one (1) member for a term of five (5) years. The members of said Commission shall serve until their successors have been appointed and qualified.

B. The Parks and Recreation Commission shall study the recreation facilities and programs of the Town, shall develop proposals as to the improvement of the facilities and programs, make recommendations to the Director and Mayor concerning the activities of the Department, and aid the Director in carrying out the program of the Department. The Parks and Recreation Commission shall set the fees for the use of the Town's recreation facilities and programs subject to the approval of the Council.

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**CHAPTER XIII: HISTORICAL PROVISIONS**

**SECTION 13-1: Status of Present Employees.**

**A. Members of the Classified Services.** All persons holding permanent positions in the service of the Town (at the effective date of January 1, 1966 under the 1966 Charter, hereinafter "1966 Charter Effective Date") including employees of a Board or Commission, whose positions are included in the classified positions by the terms of Chapter XVII of the 1966 Charter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced or removed in accordance with the provisions of Chapter XVII of the Charter through the Charter of November 8, 1983 and as may now be set forth in Chapter VIII of this Charter.

(1) All other employees of the Town at the 1966 Charter Effective Date, whose positions are not abolished by the provisions of said Charter, shall retain such position pending action by the Council or the appropriate officer charged by the Charter with the power of appointment and removal.

(2) Any provision of Law in force on the effective date of the 1966 Charter, and not inconsistent with the provisions of said Charter, in relation to personnel appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, Department or agency thereof shall continue in effect, until or unless amended or repealed by the Council.

(3) Any permanent employee presently in the classified service of the Town of Hamden whose position is abolished by the adoption of the 1966 Charter shall be relocated to other comparable employment with the Town of Hamden at a salary or wage not less than that such permanent employee is presently receiving.

**B. Validation of Pension Rights.** The rights of all persons, (including their eligible survivors), in the employment of the Town actually receiving or entitled to receive pensions or retirement allowances prior to the 1966 Charter Effective Date are expressly validated and preserved and the Town shall continue to pay such pensions and allowances.

**C. Retirement.** The Hamden Employees Retirement Act adopted May 8, 1962, is not affected by the 1966 Charter, provided, wherever the words "First Selectman" or "Board of Selectman" appear, the word "Mayor" shall be substituted and further provided that where the words "Representative Town Meeting" are used, the words "Legislative Council" shall be substituted and further provided that where the words "Treasurer" or "Board of Finance" are used the words "Director of Finance" shall be substituted.

