

**TOWN OF HAMDEN, CONNECTICUT
LEGISLATIVE COUNCIL
MINUTES OF SPECIAL MEETING**

July 12, 2021

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A special meeting of the Legislative Council was held on Monday, July 12, 2021. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called out of recess at 9:38 P.M. by the Council President.

MEMBERS PRESENT:

Mick McGarry	Dominique Baez
Adrian Webber	Marjorie Bonadies
Kathleen Schomaker	Brad Macdowall
Justin Farmer	Jeron Alston
Austin Cesare	Valerie Horsley
Kristin Dolan	

MEMBERS ABSENT: Berita Rowe-Lewis; Jody Clouse; Athena Gary; Betty Wetmore

PRESIDING: Mick McGarry, President

ALSO IN ATTENDANCE: Frank Dixon, Charter Revision Commission Chair; Jackie Downing, Charter Revision Commission Vice-Chair; Steve Mednick, Counsel to Council

Charter Revision Workshop:

Chapter VII:

§7-2 L (Resolution #21)

Mr. McGarry requested a motion to send this recommendation to the CRC. Moved by Ms. Bonadies, seconded by Ms. Horsley. DISCUSSION: Ms. Bonadies said there's always someone left out and that's why she brought up and said she's happy with the language in the most recent document. Mr. McGarry said he's adamant that protected classes should be named but with the federal law language. Mr. Farmer said diversity is important to Hamden.

A vote was taken to keep this on the list of recommendations and approved unanimously.

§7-2 L (3) (f) (Resolution #22)

Mr. Mednick asked for clarity on this section. He said the way he reads it it's not absolutely clear. There was then some discussion on language in other sections (such as item #6 on the resolution).

Mr. Cesare said he thought he was clear when he said he wanted geographic for all committees including Library and Police. Mr. Mednick said that's why he wrote it the way he did. He said there could be ambiguity because it was so broad and unclear but he thinks he got exactly what was said.

Mr. McGarry said he just wants to clarify that what they're sending back to the CRC as it stands right now is saying geographic representation but the CRC then has some latitude as to what that means? Mr. Mednick said remember, there are 3 elements to this. One of the three commissions created by the LC that Mr. Cesare believes should not be constituted that way. The second element of this area is the power of the Council in the future if they choose to create bodies this way. And third, violation of the geographic diversity rule if the Mayor were to appoint a second person from the LC district. Mr. Mednick said what the commission can do is come back to you and say we think that's a fine idea but we still think these 3 commissions should be set up this way. He said they could also come back and say they want to reinstate the power of the LC to do that, or not, and they can come back and endorse the third element which is that all of those boards and commissions would be subject to the DEI for monitoring for diversity.

Mr. Dixon said he wants to reiterate for #6 in the resolution that they researched data, had public input, and commissioners and they were supportive of districts for the Library Board to enhance and ensure they represent Hamden. He went on to explain why they chose the 3 boards to be district that they did.

Ms. Horsley recommends a friendly to add annual reports to the LC from the DEI commission. Mr. McGarry suggested doing it separate. Ms. Horsley also wondered if the DEI Commission could help recruit.

Ms. Horsley moved a motion to add to #22 annual reports by the DEI to the LC and Mayor. The motion was seconded by Mr. Farmer and approved unanimously.

Ms. Schomaker said she doesn't want to tie a new commissions hands based on LC districts. Mr. Cesare said he doesn't want districts, he wants geographic.

Mr. Mednick said if its clear #22 was incorporated into #6 and he can remove the color if it's treated as approved and it is #6. He called it the Cesare amendment.

Mr. Dixon asks that #6 comes back with a reference of how the CRC identified geography.

After some more geographic discussion Mr. McGarry asked if they make the DEI commission the ones to make geographical areas. Mr. Mednick said he thinks so.

Mr. McGarry requested a motion to approve #22. Moved by Ms. Schomaker, seconded by Ms. Bonadies.

There was discussion and clarifications on the differences between 6 and 22. Mr. Mednick in talking about consolidating the two said he will clarify language if the council would like. Ms. Downing said she still feels strong on keeping the Library, Police Commission and DEI as LC districts.

A roll call vote was taken on Resolution #22 and it passed with 9 in favor (Alston) (Baez) (Bonadies) (Cesare) (Horsley) (Macedowall) (Schomaker) (Webber) (McGarry) – 1 opposed (Farmer) and 1 abstention (Dolan)

Mr. McGarry then recessed the meeting at 10:42pm until the following evening (July 13, 2021) at 6:00pm.

Respectfully submitted,

Kim Renta
Clerk of the Council

RESOLUTION OF THE HAMDEN LEGISLATIVE COUNCIL

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

PRESENTED BY: Mick McGarry, President of the Legislative Council

DATED: July 1, 2021

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

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

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

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

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

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

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

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RECOMMENDATIONS TO THE CHARTER REVISION COMMISSION,

5. **Chapter V, Section 5-6: Chief Operating Officer¹.** COO should be eliminated and replaced by including the Chief of Staff position in the Charter with a delineation of responsibilities pared down to avoid any of the issues raised by the Town Attorney and Fire Chief pertaining to MERA and the Finance Director with regard to establishing qualifications that are too constricting.
6. **Chapter VII, Section 7-1.B(1)(a) and (b) and 7-1.F and G(2).** Eliminate the utilization of representation by Legislative Council Districts and utilize the term “geographic representation and diversity” to be monitored by the Diversity, Equity and Inclusion Commission.
7. **Chapter VII, Section 7-1.B(4).** This provision should not apply in the event the Commission fails to obtain a quorum.
8. **Chapter VII, Section 7-1.B(4).** The 24 notice standard should apply “...unless otherwise required by Law”.
9. **Chapter VII, Section 7-1.B(5).** The Town Clerk should replace the COO with respect to the assignment of clerks to boards and commissions.
10. **Chapter VII, Section 7-1B(6).** Add the term “...in accordance with law” at the end of the first sentence.
11. **Chapter VII, Section 7-1.B(7)(a).** The Town Clerk should replace the COO as the party responsible for assign email addresses to the Boards and Commissions.
FURTHER ACTION: DISCUSS WITH LABOR COUNSEL AND DETERMINE WHETHER THERE ARE ANY COLLECTIVE BARGAINING ISSUES INVOLVED IN PROVIDING EMAIL ACCESS TO THE BOARDS AND COMMISSIONS BY THE PUBLIC.
12. **Chapter VII, Section 7-1.B(7)(b).** The Commission should reexamine the post-meeting public comment.
13. **Chapter VII, Section 7-1.C(4).** There should be no term limit on board and commission service.
14. **Chapter VII, Section 7-1.F(1).** Delete the term “such person’s membership on such Board or Commission shall be immediately terminated” and replace with “such person shall immediately resign from such Board or Commission. Failure to resign shall be grounds for removal under section 3-10.D of this Charter.”
15. **Chapter VII, Section 7-2.A(1)(c).** The role of the Finance Commission in collective bargaining should be at the discretion of the Mayor, in accordance with Law and any agreements governing the collective bargaining process.

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

One Councilmember suggests removing the dedicated funding of the Commission.

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

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to inspect the budget on the website.

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

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

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

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

¹ Proposed recommendations and Comment on Sec. 5-6.

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

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