

**TOWN OF HAMDEN, CONNECTICUT**  
**LEGISLATIVE COUNCIL**  
**MINUTES OF SPECIAL MEETING**  
**August 2, 2021**

**\*To view the recording, please click the following link and observe the instructions when/if prompted: <https://us06web.zoom.us/rec/share/36lj5-OzlUo780X8l2d5U8huwBKjVkwDOY8h6DRK-g8gIMm6rNJy24fJNVVRnEjz.UDM1p-ouZpLs-DcW>**

**\*\* If prompted for a password, enter: t68e%a2J**

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A special meeting of the Legislative Council was held on Monday, August 2, 2021. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called to order at 7:08 P.M. by the Council President Pro tem. The Clerk took the roll followed by the Pledge of Allegiance.

<b>MEMBERS PRESENT:</b>	Kathleen Schomaker	Dominique Baez
	Athena Gary	Brad Macdowall
	Betty Wetmore	Jeron Alston (after roll call)
	Justin Farmer	Adrian Webber
	Marjorie Bonadies	Austin Cesare
	Berita Rowe-Lewis	Valerie Horsley
	Kristin Dolan	Jody Clouse (approx. 9:30pm)

**MEMBERS ABSENT:** None

**PRESIDING:** Kathleen Schomaker, President Pro tem

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

**PUBLIC INPUT SESSION:** There were 17 written comments which can be read here: <https://www.hamden.com/DocumentCenter/View/4489/LC-PUBLIC-COMMENTS---08-02-2021> and 6 speakers who can be heard at Time Code 00:34:45 on the recording.

**REPORT OF PRESIDENT PRO TEMPORE:** Ms. Schomaker said that tonight's committees were moved to August 9<sup>th</sup> and all committees would be done that night and said they would need

a special meeting right after to approve 1 item. She said on August 16<sup>th</sup> they have their regular meeting and the election for President of the Council will go on that agenda. She then made reference to the memo Attorney Gruen sent. Ms. Schomaker then went on to say that if they don't finish the Charter tonight she will suggest a process for moving forward and she's thinking August 11<sup>th</sup> & 12<sup>th</sup> if needed.

### **Approval of final report of the Charter Revision Commission**

Mr. Mednick went over the process going forth. He said the deadline is August 15<sup>th</sup> and you need 8 votes to pass it. The Legislative Council can approve the final report, reject it, or just reject separate provisions.

Ms. Schomaker asked for clarity if this was the May 25<sup>th</sup> document and the 28 points the Council sent back. Mr. Mednick said all of it is included in this document, what's before you is the July 28<sup>th</sup> report and all of the May 25<sup>th</sup> report is in there.

Ms. Wetmore asked if they could change anything that wasn't in the 28 points and Mr. Mednick said no.

There was some discussion and clarification on what documents they were going through tonight.

Ms. Schomaker then requested a motion to bring on the table the 28 points they sent to the CRC for consideration. Mr. Cesare announced his hand was up for comment. Ms. Schomaker apologized for not seeing it and gave him the floor.

Mr. Cesare said we have a commission that has to have a bare majority of a minority party if he's correct and his question is has Mr. Dixon switched to Democrat or is he still unaffiliated because that commission is out of balance if that's the case. Mr. Mednick said when the commission was appointed there were 7 Republicans, 6 Democrats, 2 Unaffiliated and when the commission voted last week there were 6 Republicans, 6 Democrats and 3 Unaffiliated. He said he doesn't know Mr. Dixon's party status but if he did change that would make 7 Democrats, 6 Republicans and 2 Unaffiliated and there would not be a minority party representation issue under the Statute. Mr. Mednick said the Republican Party had the majority on this commission until Mr. Kaye left the Republican Party and he doesn't know when that was. Mr. Cesare said he finds it very curious that these types of switches happen all of a sudden after a document is handed to them and the true question of this being led by an independent or unaffiliated really leaves him suspect of that. Mr. Mednick stated the facts are what they are.

Mr. Macdowall said he needs to echo something that was said during public testimony. He believes the community members worked very hard on this charter revision but he wants to state clearly that he disagrees politically with an overwhelmingly majority of the Charter Revision Commission but at the very end of the process to attempt to discredit their work for political reasons would be incredibly disingenuous and disrespectful. He said for those who have followed the conversations, with the exception of a few conversations, he felt did well to put Hamden first and leave national politics aside.

Mr. Farmer said this has been a long process and at every juncture of this process there's been accusations and strong questions about fairness and integrity and say what you will but he last Council President made an unprecedented precedent to put more republican representation on the Charter Commission than any other Council President has ever done before and the minority voice was actually the majority in this process and regardless of individuals changing their status none of us have ever questioned legitimacy of any commissioners party affiliation one way or another. Mr. Farmer said we have a charter before us and we're going to put it on the ballot and the good people of Hamden will have their say to reject or accept it and he hopes moving forward in this final juncture of this charter revision that (unintelligible) more bombs at this process and that if there are actual policy or procedure questions that we get to the business at the speed of business rather than to continue to snipe.

Ms. Schomaker said she wants to remind everyone that all of their colleague's comments are their comments and additions to the conversation and wants to be sure they refer to all comments respectfully. She said she would take one more comment and then they would move on to the substance they have this evening.

Ms. Bonadies said State Statute said there had to be a bare majority and so that's what was done and it wasn't done out of the kindness of former president McGarry's heart, and of the republicans that were placed on this commission there were 6 and we lost one so that made it 5. There were 7 democrats and because we lost a republican who became an independent there were 2 independent and 1 unaffiliated so the republican's did not have a majority on this commission.

**Ms. Schomaker requested a motion** to consider the responses from CRC on the 28 items that was sent to them. The motion was moved by Mr. Macdowall and seconded by Mr. Alston.

Ms. Downing then reflected the Power Point (attached) on the screen as she went over it with them. She also reminded them that any rejections revert to the old charter and that they couldn't create new language. She told them the CRC approved 24 of their recommendations and just made the changes, they rejected 2 after more public comment and discussion, and 2 had compromised language. Ms. Downing then spoke on the following:

**LCR#1:** This was a reference to meeting requirements that the Town Attorney wanted clarity on and it was approved by the commission.

**LCR#2:** This should say elected officials, not appointments, and this was a recommendation from Council and approved.

**LCR#3:** Here Council very wisely recommended that they define the quarters when reporting would be done so they did with a definitive date of it starting on the 1<sup>st</sup> of July and it is now clearly defined.

**LCR#4:** Council asked them to eliminate the Chief Operating Officer and replace it with a Chief of Staff and they did that and took some of the responsibilities of the COO and made it part of

Chief of Staff and brought the position down to what is more of a Chief of Staff but with higher qualifications because that was something the commission felt very strongly about. She then explained how the COO was their alternative to a Town Manager after they realized the Town Manager wasn't right for the Town, but yet the Town needed more professional order that was not a response to the Mayor, but a response to what the Town needs for a municipality of this size.

**LCR#5:** They were asked to look at the Police Commission and streamline it a bit and get rid of the LC districts. She said they did that but they have as light compromise here because they realized that they can't have a commission put together a geographic plan without that commission existing and we can't appoint by geographic until the commission does that work. Ms. Downing then explained their compromise and how this says the Library Board, Police Commission and DEI Commission will be put together by district and then the DEI will be charged with a geographic plan going forth by an ordinance from the LC that future appointments of these 3 commissions will be done based on geographic.

Ms. Schomaker suggested they flag items that need more discussion to get back to so they can get through the 28.

Ms. Horsley asked if we could flag #5 for more discussion. Mr. Cesare stated he has a problem with the district appointments and concern on this going to the next Council and maybe them having different thoughts and then this ordinance never gets done.

Ms. Downing continued on saying LCR#'s 6, 7, 8 and 9 were all approved by the commission as submitted and they made the changes without any further changes.

**LCR#10:** The commission approved this as submitted.

**LCR#11:** This they reexamined and heard more from the public and they took post comment away and added an additional public input session if new material is introduced and before it's voted on.

**LCR#12:** Here they were asked to remove the term limits and they did.

**LCR#13:** They softened the language here about termination from a board or commission.

**LCR#14:** Here they made the change in language as recommended.

**LCR#15:** They took into account the long term planning recommendation for the capital and that was added.

Ms. Bonadies asked for #13 to be flagged for more discussion.

**LCR#16:** Ms. Downing said here they were asked to streamline the language in the Police Commission to include the relationship between the commission and the Chief of Police and outside organizations. She said they did a lot of streamlining of the Police Commission and did

not change much in substance of what they had recommended although they did speak with the Police Chief, with the commission and with counsel, regarding the Collective Bargaining Agreement and so they codified the disciplinary process that already exists and made it consistent with the CBA which is something that was missing from the last charter. She said they did not change the process they just codified what was there although they did add one thing which is subject to modification of the CBA, which may or may not have happen in the future, but still to add the opportunity for civilian appeal to go to the Police Commission which is prohibited by the CBA right now and in this charter their provision that if and when a Collective Bargaining Agreement or Memorandum of Understanding can be negotiated and changed that it would be desirable for the public to be able to have an appeal process with the commission. She then talked about some footnotes created and some trigger words that were taken out. She said she thinks they responded to the police Commission in ways she hopes they can except because she thinks they've done a good job of listening to the public, listening to what's happening in police reform, and listening to what's needed in our Town and our Chief and commission are all on board with the creation of this new section.

**LCR#17:** Here they responded to what was said about emails maybe not being the preferred way of communications a few years down the road and they came up with clear language for direct and remote public communication and they did this consistent throughout the document.

**LCR#18:** Ms. Downing said this was not a directive but a recommendation from labor counsel and the commission approved it.

**LCR#19:** Ms. Downing said here they removed the dedicated funding provision and left the language that it should be a line item, but they took away the language that refers to any amount or percentage of any piece of the budget.

**LCR#20:** Ms. Downing said the commission rejected this saying they felt it was important to honor the people and allow them to notice and see themselves in the Charter itself and not in some footnotes.

**LCR#21:** Ms. Downing said this was adopted as suggested.

**LCR#22:** Ms. Downing said for cause was also rejected by the commission. Ashe said they realized if a Mayor is in office he'd have to wait until for cause to terminate, but a new Mayor does not have to reappoint. Ms. Bonadies asked for this to be flagged.

**LCR#'s 23 through 27:** All approved by the commission. Mr. Farmer asked for #23 to be flagged.

**LCR#28:** Ms. Downing said the commission rejected this after talk with the State BOE Counsel. There are problems defining curriculum and this is a BOE issue, not a charter issue.

Ms. Horsley said she thinks it's important that they look at the language in the actual document so they know what they're voting on saying she thinks the words matter.

Mr. Farmer asked for #'s 11 and 25 to be added to the flagged list.

Ms. Horsley moved to discuss LCR #5, seconded by Ms. Bonadies. Mr. Mednick then went over the language that was stricken. Ms. Horsley clarified that districts were only for the Library Board, Police Commission and DEI Commission. Mr. Cesare asked where the language was that talks about the ordinance creating geographics. Mr. Mednick said it's in L-2 (f) and read the paragraph out loud. Mr. Cesare said he doesn't like the word consideration saying it seems to him by using that word it doesn't have to be done. He also said he doesn't like that it's being left up to a different Council.

There was then discussion on what the definition of geographics is. Ms. Downing said there is none and that it's best for the DEI Commission to define it, but to put that commission together it needs to be constituted. Mr. Alston asked where the action of the DEI Commission to do this is. He said he's okay passing it to another Council if he knows that geographic representation is built in there. Ms. Downing said Chapter 7 -2 L 3. Mr. Alston stated now he can see what the thought process is and he can accept the language as long as the LC can say this is an action they should take in a timely manner.

There was then discussion on commission terms and when this would be done. Ms. Downing asked if the LC could add a date to this. Mr. Mednick said he'll talk to the Town Attorney, maybe an editor's note in the annotations to make it clear. Mr. Cesare again said he has an issue putting it before another Council who may not want it the same way. He said commentaries are also an issue for him and he thinks it should be in the document.

Ms. Horsley said she thinks the language in (f) takes away the rights of the LC and Mayor to appoint Board members. Ms. Downing said they have no selection input and no approval rights. Ms. Horsley said she wonders if geographical representation could be moved to the beginning. Mr. Mednick said he thinks it's a non-substantial modification and he'll talk to the Town Attorney to see if they can come up with language.

Mr. Cesare said they can be told something means something but unless it's in the text and body of this document it can be interpreted to something else down the road. He said he thinks they need to scrutinize carefully, words mean everything.

Ms. Dolan said she thought all they could do tonight was accept or reject and that they couldn't make changes. Mr. Mednick said errors and mistakes can be fixed, maybe minor edits, but you may have to go by section. He said he'd talk to the Town Attorney before giving an answer but Ms. Dolan is correct. He said he'll see if he can come up with language that doesn't change the intent.

**Mr. Farmer moved a motion to table LCR#5.** The motion was seconded by Ms. Bonadies and approved unanimously.

**LCR#11:** Ms. Downing went over the changes of post meeting comments. Ms. Horsley asked who determines if information is new. Mr. Mednick said it's at the discretion of the Chair or Board. Ms. Horsley wonders if this will be a slippery slope. Ms. Downing stated this is if there is

new material that was given during the meeting and personal opinion is not a trigger. Ms. Bonadies asked why not one more before final action is taken. She said things come out during debate that might not have been heard before and so she's be in favor of comment before final action. Mr. Mednick said here you could delete language about new material then you're giving the public that right to speak before final action. After some discussion on the intentions Ms. Bonadies said she thinks it's important to give the public another chance to speak after hearing debate they may have something important to say. Mr. Mednick suggested he could eliminate new material already there is Boards and Commissions can establish their policies for time of public comment. He said this does not apply to a commission with regulatory functions. Ms. Schomaker said she does not think they should take the discretion away from the chair and she'd be in favor of keeping the chair's discretion in place and asked what they needed to do. Mr. Mednick said take out "new material". Ms. Schomaker asked at the discretion of the chair? Mr. Mednick said yes. Mr. Cesare said it seems they shifted here from not being able to change things to now modifying language. Mr. Mednick said rejecting language is permitted. Ms. Gruen said it was also her understanding they wouldn't be changing language other than adding commas, etc., but she'll talk to Mr. Mednick tomorrow.

Ms. Clouse has joined the meeting here (approximately 9:30pm)

Ms. Schomaker requested a motion to table #11 pending report back from the legal team. The motion was moved by Ms. Bonadies, seconded by Ms. Wetmore and approved with 1 opposed (Baez) and 2 abstentions (Clouse) (Farmer)

There was some discussion on whether to adjourn or recess. Mr. Mednick suggested that members send in their thoughts and talk to leadership for a better sense of what's coming. He then said he will take the flagged items and pull the redline of each section and attach it to it. Ms. Schomaker said that's a great step forward.

Ms. Schomaker announced they would recess until Wednesday, August 11<sup>th</sup> at 7:00 P.M. The meeting then recessed at 9:57 P.M.

Respectfully submitted,

Kim Renta  
Clerk of the Council

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# HAMDEN CHARTER REVISION COMMISSION

RESPONSE TO LEGISLATIVE COUNCIL RECOMMENDATIONS:  
FINAL REPORT - JULY 28, 2021

PRESENTATION BEFORE THE LEGISLATIVE COUNCIL – AUGUST 2, 2021



# HAMDEN CHARTER REVISION COMMISSION 2020 -2021

Frank Dixon  
Chair

Jackie Downing  
Vice Chair

Lamond Battle  
Secretary

Tiffany Artis-Wilson

Todd Berton

Jeffrey Cohen

Thomas Figlar

Sarah Gallagher

Marnie Hebron

Myron Hul

Jay Kaye

Frank LaDore

Todd Moler

Nancy Olson

Joshua Sprague-Oliveira

Steven G. Mednick  
Counsel



## WHERE ARE WE IN THE PROCESS?

- The Commission has now acted upon the Council Recommendations permitted under C.G.S. §7-191(c).
- The Final Step of the Legislative Process [C.G.S. §7-191(d)] requires action on the CRC's Final Report by the Legislative Council, as the appointing authority no later than August 13<sup>th</sup> ["not later than fifteen days after receiving the final report" which was Thursday, July 29<sup>th</sup>.]
- Action is determined by eight (8) votes: "by a majority vote of its entire membership."
- The Council has the discretion to (1) approve the proposed charter amendments; or (2) reject the same or separate provisions thereof.
- Not later than thirty (30) days after approval the Charter amendments must be published in a "newspaper having general circulation in the municipality."
- The ballot question or questions will be prepared by Counsel to the council and voted upon by the Council at the next meeting following approval [C.G.S. §7-191(f)].
- The electors decide on November 2<sup>nd</sup> (in accordance with the original resolutions of the Legislative Council).

# RESOLUTION OF THE HAMDEN LEGISLATIVE COUNCIL RECOMMENDATIONS

- On July 13<sup>th</sup> the Hamden Legislative Council, acting in accordance with Sec. 7-191(c) of the Connecticut General Statutes, made recommendations to the Charter Revision Commission for consideration in the promulgation of the Final Report.
- The Charter Commission conducted a statutory conference with the Legislative Council on July 14<sup>th</sup> and had meeting on July 17, 20, 22, 26, 27 and 28 in order to give full consideration to each of the twenty-eight items contained in the resolution.
- The deliberations and actions taken by the Commission as contained in version 10 of the Draft Charter, dated 28 July 2021, constitute the Final Report of the Charter Revision Commission.

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: I (“LCR”)

- **LCR #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.”  
**Approved by the Commission.**
- **LCR #2: Chapter III, Section 3-4: Eligibility.** The eligibility standard for residency should apply equally to “at-large” as well as “district” appointments.  
**Approved by the Commission.**
- **LCR #3: Chapter V, Section 5-2.D(1): Submission of Quarterly Reports to Council.** The quarters should be defined and commence on July 1<sup>st</sup> and each quarter thereafter.  
**Approved by the Commission.**

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: II

- **LCR #4: Chapter V, Section 5-5: Chief Operating Officer.** COO should be eliminated and replaced by the Chief of Staff position in the Charter with a delineation of responsibilities.

**Approved by the Commission.** As requested, the Commission eliminated the Chief Operating Officer and codified the position of Chief of Staff as a Mayoral appointment subject to approval by the Legislative Council. There are professional qualifications that are more flexible than contained in the May 25<sup>th</sup> Report as well as broad powers and duties, subject to the authority of the Mayor.

- **LCR #5: Chapter VII, Section 7-1.B(1)(a) and (b); Sections 7-1.F and G(2) and Sections 7-2.D(3) [Police Commission], 7-2.J(2) [Library Board] and 7-2.L(4)[DEI Commission].** Eliminate the utilization of representation by Legislative Council Districts and utilize the term “geographic representation and diversity” to be monitored by the Diversity, Equity and Inclusion Commission.

**Approved by the Commission.** The Commission agreed to eliminate the general standard for creating Boards and Commission on the basis of Legislative Council Districts as requested by the Legislative Council. However, the Proposed Charter requires initial appointments to the Police Commission, the Library Board and the DEI Commission on the basis of Legislative Council Districts, to be modified by the concept of “geographic diversity” as defined by the DEI Commission and subsequently incorporated into an Ordinance by the Legislative Council. Subsequent appointments to those three Commission would be on the basis of the definition of “geographic diversity” as defined by Ordinance

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: III

- **LCR #6: Chapter VII, Section 7-1.B(4).** This provision should not apply in the event the Commission fails to obtain a quorum.  
**Approved by the Commission.**
- **LCR #7: Chapter VII, Section 7-1.B(4).** The 24 notice standard should apply "...unless otherwise required by Law".  
**Approved by the Commission.**
- **LCR #8: Chapter VII, Section 7-1.B(5).** The Town Clerk should replace the COO with respect to the assignment of clerks to boards and commissions.  
**Approved by the Commission.**
- **LCR #9: Chapter VII, Section 7-1.B(6).** Add the term "...in accordance with law" at the end of the first sentence.  
**Approved by the Commission.**

## REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: IV

- **LCR #10: Chapter VII, Section 7-1.B(7)(a).** The Town Clerk should replace the COO as the party “responsible for assigning the appropriate communications capacity to the Boards and Commissions for the purpose of receiving information from the public”. The Charter Commission should make it clear that the issue is not the form of communication but rather, the facilitation of platforms and standards that permit uniform public access to convey information to Boards and Commissions.  
**Approved by the Commission.**
- **LCR #11: Chapter VII, Section 7-1.B(7)(b).** The Charter Commission should reexamine the post-meeting public comment.  
**Approved by the Commission.** The Commission devised a provision that permits public comment, prior to action by a Board or Commission in the event new, material information is present following the initial public comment session, at the discretion of the Chair.

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: V

- **LCR #12: Chapter VII, Section 7-1.C(4): Term Limits.** (A) The Charter Commission should re-examine the provision regarding term limits taking into account the Legislative Council discussion; and, (B) **Errata:** Eliminate Transition Language re – non-voting status since it was not approved by the Charter Commission; however, the Commission should not adopt a provision that does not comply with Minority Party Representation and other requirements of the Charter.  
**Approved by the Commission: Term Limit is Removed (Errata – N/A).**
- **LCR #13: Chapter VII, Section 7-1.F(1).** Delete the term “such person’s membership on such Board or Commission shall be immediately terminated” and replace with “such person shall immediately resign from such Board or Commission. Failure to resign shall be grounds for removal under §3-10.D of this Charter.”  
**Approved by the Commission.**
- **LCR #14: Chapter VII, Section 7-2.A(1)(c).** The role of the Finance Commission in collective bargaining should be at the discretion of the Mayor and Board of Education, in accordance with Law and any agreements governing the collective bargaining process.  
**Approved by the Commission.**

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: VI

- **LCR #15: Chapter VII, Section 7-2.A(1)(e).** Long term planning should take “capital” planning into account and the reporting requirement should cover a period of five years.

**Approved by the Commission.**

- **LCR #16: Chapter VII, Section 7-2.D: The Police Commission.** The Charter Commission should streamline the language in this provision to facilitate clarity and understanding; including the relationship between the Commission and the Chief of Police as well as other boards, commissions and outside citizen and neighborhood organizations; and to make it clear that the Policy Commission is vested with the authority to create policy for the Police department and to receive input.

**Approved by the Commission.** This provision has been modified and consolidated to streamline the language in the body of the Charter with explanatory text placed in the footnotes as “2021 Charter Revision Commission Commentary” in order to assist with interpretation and implementation. Moreover, this provision is clear that the Commission does not have authority to manage the “day-to-day operations” of the department. That is the job of the Chief and that current Charter is silent on that standard.

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: VII

- **LCR #17: Chapter VII, Section 7-2.D(2)(c)(ii).** The Charter Commission should replace language referring to “electronic access” and dedicated email addresses and establish a clear standard for direct public communication with the Commission, as required by §7-1.B(7)(a) of the Charter.  
**Approved by the Commission.**
- **LCR #18: Chapter VII, Section 7-2.D(2)(f).** Labor Counsel recommends the following language: “**Submit to the Mayor, a review and comment on the contents of collective bargaining agreement in order to effectuate the alignment of such agreement with the public service requirements of the Town as well as the best practices of a Department in diversity, recruitment, promotion, training, community interaction and operations as well as other areas as may be set forth by Ordinance, provided; however, that such review and comments are for consideration only and shall not be deemed a directive to the Mayor or the Town’s negotiating committee.**”  
**Approved by the Commission.**
- **LCR # 19: Chapter VII, Section 7-2.D(2)(j).** The Charter Commission should remove the “dedicated funding” provision and require a budget line item to be funded as part of the annual budget request. As a result, the errata request is moot.  
**Approved by the Commission.**

## REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: VIII

- **LCR #20: Chapter VII. Section 7-2.L. The Diversity, Equity and Inclusion Commission – Establishment:**  
The Charter Commission should replace the specific delineation of “protected classes” with a reference to applicable federal and state laws as may be amended, that establish such protected classes and include the delineation in a footnote in order to memorialize those classes that existed at the time the Charter is adopted.  
**Rejected by the Commission.** The Commission retained the delineation of “protected classes.”
- **LCR #21: Chapter VII. Section 7-2.L(3)(f). The Diversity, Equity and Inclusion Commission – Role of Commission – Monitoring Diversity and Geographic Representation on Boards and Commission:** (1) The Charter Commission should consider adding language that authorizes the DEI Commission to 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 at the time of appointment; and (2) The Charter Commission should consider adding language that authorizes the DEI Commission to provide an annual report to the Mayor and Legislative Council regarding the composition and diversity of Board and Commissions, commencing on January 1, 2023.  
**Approved by the Commission.**

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: IX

- **LCR #22: Chapter VIII, Section 8-2.B.** Department Heads shall be removed “for cause” in all cases.  
**Rejected by the Commission.**
- **LCR #23: Chapter X, Section 10-1.B:The Budget Liaison.** The Budget Liaison should be removed; and the Charter Commission should consider allocating said such duties as necessary to the Finance Department.  
**Approved by the Commission.**
- **LCR #24: Chapter X, Section 10-3.G: Public Inspection.** The public should have the ability to inspect the budget on whatever platform or technology will ensure direct access at all times  
**Approved by the Commission.**
- **LCR #25: Chapter X, Section 10-5.A(3)(b). Lapse of Capital Funds.** The lapse of capital funds should occur at “five years” rather than “three” years.  
**Approved by the Commission.**

# REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: X

- **LCR #26: Generally. See, Chapter I, Section I-4.R and W. Definition of “Meeting (or Hearing) Notice” and “Public Notice”.**
  - Add the following verbiage to Section I-4.R: “...and as may be established by Ordinance or rules of the Legislative Council or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes.”
  - Add the following verbiage to Section I-4.W:“...in the event the requirement of the Charter is more stringent than the requirements of the General Statutes
  - See also, (1) Section 3-7.D(2)(“First Reapportionment Commission”); (2) Section 3-10.C (“Notice for Removal of Elected and Appointed Officials”); (3) Section 4-8.A (“Public Notice of Final Action” Pertaining to Ordinances and Statutory Resolutions); (4) Section 4-11 (“Approval of Mayoral Appointments); (5) Section 5-4.A(2) “Notice” for adoption of emergency powers); (6) Section 5-4.D (“Emergency Meetings of the Legislative Council”); (7) Section 5-5.E(1) and (5) (“Public Emergency and Notice requirements” and “Effective Date” for the Adoption of public emergency ordinances, orders and measures by the Legislative Council); (8) Section 7-1.B(4)“Notice” of meeting of board or commission); (9) Section 7-1.B(7)(b)(ii)(“Adding Items at regular Meeting Agendas: Public Comments”); (10) Section 7-1.K(3) (Public Notice of “Publication of Boards and Commissions:Applicant Pool”); (11) Section 8-4..E(1) (“Equal employment Opportunity”); (12) Section 10-3.G (“Public Inspection”); (13) Section 10-4.A(5) (“Public Inspection”); and, (14) Section 10-6.D and E (“Effective Date of Town Budget Ordinance” and related “Public Notice”).

**Approved by the Commission.**

## REVIEW OF LEGISLATIVE COUNCIL RECOMMENDATIONS: XI

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

# HIGHLIGHTS OF THE FINAL REPORT: PUBLIC AND BUDGET ACCOUNTABILITY

- **Alignment of General Fund and Capital Budgets (Chapter X):** Budget Reform, including enhanced disclosure requirements pertaining to long-term expenditures, comparative data, contract driven expenditures, the accuracy of revenue projections.
- **Creation of a Finance Commission (Chapter VII):** Mayoral budget accountability, oversight, support for exercise of the budget role by the Legislative Council; best practices; long-term strategic planning, monthly reporting, pension and collective bargaining impact review (3 members appointed by Legislative Council; 2 by Mayor)
- **The Public Interest and the role of Boards and Commissions (Chapter VII):** The proposed Charter establishes a “public interest” standard for board and commission members, thereby planting firm foundation for accountability to the public.
  - Requirements regarding frequency of meetings, public access, comment and interaction to enhance public participation during meetings.
  - A new paradigm for the notion that boards and commission should reflect the broad diversity of people and neighborhoods of the Town. The expansion of the Police Commission and Library Board to nine (9) members and creation of a Diversity, Equity and Inclusion (“DEI”) Commission reflect the belief that all neighborhoods should be represented on boards and commissions.
  - The DEI and Police Commissions, with the thoughtful amendments of the Legislative Council, will play a major role in this effort as well as the general objective of equitable policies and procedures reflecting the values, 21<sup>st</sup> century best practices and the best interests of all the people of Hamden.
  - Many procedural reforms, including the appointment process in order to eliminate the current level of vacancies on boards and commissions.

# HOW DID WE GET FROM HERE TO THERE? THE EARLY MEETINGS AND HEARINGS

On September 9, 2020, a politically diverse and balanced Commission, comprised of 7 Republicans, 6 Democrats and 2 unaffiliated voters, met for the first of forty-six meetings which ran through July 28, 2021 (by which time one of the Republicans became an unaffiliated voter). There were thirty-nine meetings in the first phase of Charter revision from September 2020 through May 2021.

- **September 9, 2020:** Overview of the law of Home Rule and Municipal Charters.
- **September 30, 2020:** Public Hearing: covering a range of issues (discussed, below) and initial red-line session reviewing the Charter sequentially by chapter.
- **October 14, 2020:** Continued due diligence on issue development with President McGarry, the Town Attorney and other members of the Legislative Council and continued work on the red-line process.
- **October 28, November 10 and November 24, 2020:** The Commission engaged in a sequential review of the public comment grid prepared by Counsel in order to establish the priorities for review by the CRC.

# HOW DID WE GET FROM HERE TO THERE?

## WHAT WE HEARD AT THE FIRST PUBLIC HEARING: PART I

- **Chapter I:** IT infrastructure, website access, email correspondence and public participation in remote or hybrid public meetings.
- **Chapter II:** Is Hamden a “town” or a “City”?
- **Chapter III:** Eliminate elected Town Clerk and continue as a classified employee; four year term of Mayor; districts for Board of Education; enhanced minority party representation; a role of the respective Town Committees to play in the filling of vacancies; nonpartisan election for Legislative Council; eliminate at-large members and replace with districts (single member or multi-member).
- **Chapter IV:** Enhance public comment opportunities; include a parallel general fund and capital budget process; standards regarding the posting of agendas; increased legislative oversight; financial updates to Legislative Council by Finance Director.

# HOW DID WE GET FROM HERE TO THERE?

## WHAT WE HEARD AT THE FIRST PUBLIC HEARING: PART II

- **Chapter V:** Professional Town Management: Town Manager/Council v. Mayor/Council form of government; Long Term Planning and Sustain Strategic Planning; Fiduciary responsibilities and incentives; establish the office of Chief Administrative Officer or Chief Operating Officer; Finance director should be a civil service position.
- **Chapter VI:** Move Town Clerk from elected to appointed officials.
- **Chapter VII:** Transparency; mandate regular meetings and attendance requirements for boards and commission; Email addresses for boards and commissions; regular public comment and input session; term limits on service; vacancy issues (assuring that positions are filled); expansion of library commission; additional members for Civil Services Commission; add an alternate to Inland Wetlands Commission; fix the dual appointment provision; Police Commission reform; or restructuring (similar treatment of Fire Commission); creation of Civilian Review Board; staggered terms for Police and Fire Commissions.

# HOW DID WE GET FROM HERE TO THERE?

## WHAT WE HEARD AT THE FIRST PUBLIC HEARING: PART III

- **Chapter VIII:** Contracts for municipal employees; improve reporting requirements of department head; required professional certifications for department heads (**Note:** The issue of “term and contract” for Department Heads was not raised at the initial public hearing and was not raised until 2/2/2021 in public comment. No CRC member advanced the issue thereafter, until the issue of “cause” was raised by a Commissioner in May, 2021 shortly before the Preliminary Report went to Final Public Hearing and the Legislative Council for review.).
- **Chapter IX:** No Board of Education issues were raised at the initial public hearing (**Note:** In December 2020 an issue was raised regarding the issue of hiring of custodians and other non-certified employees. The issue of “curriculum disclosure” and critical race theory was raised by, at least one Commissioner, during discussion of the DEI Commission; however, while he advanced the cause and sent around ideas to the CRC and Counsel, he never advanced a written amendment or motion. In fact, it was Commission Counsel who requested, with permission of the Chair, placed the issue on the May 25, 2021 agenda to give the Commissioner one more opportunity. It should be further noted that the Commissioner dropped one proposal and failed to object when the meeting moved on to the next agenda item. The issue of critical race theory (which appeared to be the common link between the two proposals) was, broached by another Commissioner on July 27, 2021 as pertinent to LCR #28).
- **Chapter X:** Make sure capital budget is considered with general fund budget; a number of comments about austerity measures, Planning and Sustain Strategic Planning; Fiduciary responsibilities and incentives; establish the office of Chief Administrative Officer or Chief Operating Officer; Finance director should be a civil service position.

# HOW DID WE GET FROM HERE TO THERE? THE WORK COMMENCES: AN ITERATIVE PROCESS

A Charter Revision process is iterative by nature. You start with a long “wish-list” from the public and, then, move to prioritize to make certain you tackle as many of the procedural and constitutional issues that belong in a charter as possible. As you will see by reviewing this brief chronology, the Commission diligently planned its agenda. In fact, in this first phase the Commission was extremely productive and purposeful. **One procedural note:** At the beginning of each meeting the CRC reviewed the redline version of any items that were drafted or agreed-upon at the prior meeting in order to advance the agenda. At the end of each meeting the CRC discussed the upcoming schedule of events so that members could plan accordingly. In other words, every Commissioner saw every word that was drafted in real time. This and the following pages document the CRC deliberations:

- **December 9, 2020:** The Commission reviewed a number of issues: recall and a prohibition on service by municipal employees on the Legislative Council were dismissed because of statutory and case-law-based decisions. The Town Attorney and Counsel to the Commission walked the Commission through a number of issues (1) reapportionment; ethics, emergency powers and contracts without fiscal impact. At this meeting the Commission also review the first of many Background Documents” on “Ethics” (“Background Document #1”).
- **December 22, 2020 and January 6, 2021:** The Commission further delved into the Ethics, Emergency Powers (“Background Document #2), a fix to the reapportionment provisions (“Background Document #3), contracts with no fiscal impact and an early review of board and commission diversity and member qualifications. The Commission review initial language fixed on the ethics, emergency powers (“Action Item #2) and reapportionment (“Action Item #3) at the January 6<sup>th</sup> meeting at which time the Town Attorney withdrew her request regarding “contracts without fiscal impact” (“Background Document #4).

# HOW DID WE GET FROM HERE TO THERE? THE COMMISSION TACKLES THE BUDGET PROCESS

With backdrop of a Town facing serious financial issues as its context, the logical starting point for tackling major issues was the budget and finance issues of the Town. The issue was significant enough that the meeting on January 20<sup>th</sup> was held in conjunction with the Fiscal Stability Committee.

- **January 20, 2021:** The Commission adopted a minor revision of the conflict of interest and ethics provision (“Action Item #1”) and a revision of the disclosure requirements of 5-2.D(1), with a definition of what a contract was (“Action Item #4”). The Commission also held its first panel of experts on budget and financial provisions of the Charter (“Background Document #5”). The panel included a former Town Manager of Cheshire and Controller of New Haven, the finance Director of Darien who was also a member of the GFO Budget Committee; the President of the Waterbury Board of Alders who served as a Charter Chair and the Chair of the Samford Board of Finance.
- **February 3, 6, 7 + 23 and March 3, 11 +20, 2021:** The Commission continued its dialogue on the budget starting with Public Comment on the Budget Process and a meeting with Hamden finance officials, the Council President and Chair of the Fiscal Stability Committee. The Commission also reviewed three background documents: (1) “Governing Entities and the Budget;” (2) “Budget Submission Content”; and (3) “Budget Processes in Various Municipal Charters.” At the meeting on the 23<sup>rd</sup> the initial budget revisions were agreed upon and continued actions were taken on March 3<sup>rd</sup>, 11<sup>th</sup> and 20<sup>th</sup>, including discussion on the Finance Commission, the general and capital budget process and budget liaison (“Action Item #5”).

# HOW DID WE GET FROM HERE TO THERE? GOVERNANCE ISSUES

- **February 23, March 2, 3 + 11 2021:** The Commission heard from two panels of experts on governance issues. (“Background Document #6”). The first panel (2/23) included the Executive Director of the Connecticut Conference of Municipalities, the Chair of the Hartford Charter Commission which moved the City from the City Manager to Mayor/Council form of Government) and the last First Selectman of Clinton, which moved from a Board of Selectmen to Town Manager form of government. The second panel (3/2) consisted of the Managers of Coventry, Meriden and West Hartford and Mayors or former Mayors of Bristol, New Haven and Stratford and the Town Administrator of Darien. Public comment on governance and initial discussions took place on March 3<sup>rd</sup>. Action Item #6 was considered with regard to the form of government the Commission wanted to pursue.
- **March 20 + 31, 2021:** In addition to a continuing discussion on the budget the Commission further reviewed the Chief Operations Officer/Town Administrator (“Background Document #7”), term limits (**Note:** There is no legal basis for “term limits for elected officials” in Connecticut) as well as the four year term for Mayor and the term of office for Legislative Council (“Background Document #9”).

# HOW DID WE GET FROM HERE TO THERE? BOARDS AND COMMISSIONS

Boards and Commissions are a major vehicle for any civic culture. They provide a gateway for spreading the wealth of public talent and are a beachhead for citizen interaction and influence. Public participation and understanding was a key issue for the Commission. In order to work on this issue we created a Subcommittee on Boards and Commissions chaired by Commissioner LaDore.

- **April 6, 2021:** The Commission considered (1) general issues such as, (a) frequency of meetings, (b) appointment of committee clerks, (c) record-keeping and electronic inspection as well as (d) public access, comment in interaction; and, (2) specific issues such as, (a) limitations on appointment authority (leading to a major change in the charter), (b) term limits for board and commission members to permit turnover, (c) frequent publication of board and commission openings to facilitate recruitment of citizens, (d) expansion of the Library Board, (e) appointment of alternate position on the Civil Service and Inland Wetlands Commission;, (f) creation of a Diversity, Equity and Inclusion Commission (supported by the Subcommittee), (g) statutory restrictions on Civil Service Commissioners and (h) diversity for Board and Commission members ("Action Item #7" and "Background Document #8")
- **April 12 + 28, and May 6 + 8, 2021:** The Commission, continued a dialogue on the DEI Commission as well as Commission diversity specifically pertaining to Minority Party Representation and districts or geographic representation (**Note:** Minority Party Representation is protected by state law and at no time could (or did) the Commission, consider, entertain or discuss any dilution). Additional debate and language was discussed, including composition, on the 28<sup>th</sup> with final actions on May 6<sup>th</sup> and 8<sup>th</sup>.

# HOW DID WE GET FROM HERE TO THERE? THE POLICE COMMISSION

The Police Commission was an issue initiated by former Council President McGarry on the basis of resolutions of the Legislative Council in May and June 2019.

- **April 14, 17, 24, + 28 and May 1, 4, 6 + 8, 2021:** The Commission commenced (4/14) the process with a panel of experts on the role and responsibility of the Police Commission – Impact of Collective Bargaining Agreements and Civilian Review comprised of the President of the Legislative Council, the Municipal Representative of the Police Standards and Training Council (also First Selectman of North Haven), the Law and Policy Director and the executive Director of the Justice Collaboratory at the Yale Law School, the Executive Director of the City Wide Youth Coalition and National Campaign Strategist of the American Civil Liberties Union. (“Background Document #10”) Initial discussion on the Police and Fire Commission as well as Civilian Review continued on the 17<sup>th</sup>, 24<sup>th</sup> and 28<sup>th</sup> of April. (“Action Item #8”). . The Commission discussed language on Action Item #8 with Chief Sullivan and Chair Iezzi on the 1<sup>st</sup> of May. The Commission heard from New Haven Police Commission Chair Evalise Ribeiro and from the Public on May 4<sup>th</sup> with final debate and discussion on May 6<sup>th</sup> and 8<sup>th</sup>.
- **Procedural Note:** At the meeting on the 24<sup>th</sup> of April the Commission discussed the Preamble (which was also discussed on the 28<sup>th</sup> of April and acted upon on May 6<sup>th</sup> and 8<sup>th</sup>)(“Action Item #9”) and Town Clerk proposals. There was also a discussion on a time-frame for completion and how to address any additional issues.

# HOW DID WE GET FROM HERE TO THERE?

## THE FINAL STEPS I

- **May 12, 2021:** The Commission took final actions on Boards and Commissions (1) Library Board; (2) Transition provision on the Limitation of service of board and commission members; (3) geographic areas of the boards and commission; (4) modifications of the outreach provisions; and (5) the addition of “justice impacted individuals”. With respect to the Police Commission there were editorial revisions and an agreement on the budget earmark language. There was final action on the Preamble as well. Final discussions were held on the town arborist, modification of the Town Clerk from elected to appointed, definition review and other minor changes to the body. The Commission took action on the version of the Charter that would be presented to the public at the Public Hearing.
- **May 16, 2021:** The second statutory Public Hearing.

# HOW DID WE GET FROM HERE TO THERE?

## THE FINAL STEPS II

- **May 25, 2021:** Final Action and approval of the draft proposed Charter after consideration of the following issue: Action Item #10 – Preamble discussion re - (i) historical references; and (ii) addition of transparency and accountability; Action Item #11 – Dealing with the issue of mandatory language “shall” or “require.”; Action Item #12 – Can electors vote for up to six at-large candidates?; Action Item #13 – (i) Public Comment required at all Board and Commission meetings; (ii) Comment on Agenda Items; (iii) Comment on Matters of general interest; (iv) Executive session and other legal or regulatory proceedings; (v) post-action public comment sessions; Action Item #14 – Clarification of grandfather of term limited Board and Commission members.; Action Item #15 – Monitoring Boards and Commissions; Action Item #16 – The issue of traffic expertise; Action Item #17 – Use of the word “ensure” versus “promote” or “advance”; Action Item #18 - Questions regarding commission training issues (discussed and dropped by sponsor) and curriculum review (passed by and not raised by the sponsor); Action Item #19 – Appointment and removal of Department Heads (discussed and dropped by the sponsor); Action Item #20 – Board of Education compliance; Action Item #21 – Final Public Hearing on the Budget; Action Item #22 - Remaining editorial recommendations.

**Note:** Action Item ## 18 and 19 were two issues raised late in the process that had not been discussed or addressed by the Commission. At and following the meeting on May 12<sup>th</sup> Commission Counsel included said items on the record for the public hearing so that the public would be aware that these issues were outstanding and may be considered by the Commission. First, there was a request by Commissioner LaDore for consideration of a “for cause” standard in the Charter provisions pertaining to the removal of Department Heads, an issue that was raised peripherally by the citizen in February; yet, not advanced by any member of the CRC. Due to the lateness of his proposal neither the CRC nor counsel conducted any due diligence on the subject. Second there were two items raised by Commissioner Cohen: (1) commission training issues; and (2) curriculum review. It should be note that the “training” issue had been raised by Commissioner Cohen during the discussions on the DEI Commission, both in the Subcommittee; proceedings chaired by Commissioner LaDore and before the entire CRC; however, each time a relevant item was before the CRC the Commissioner either deferred the item since amendments had never been prepared, or ready for action. During the May 2<sup>th</sup> meeting one issue was dropped and the sponsor did not object when the Chair moved to item #19.

# HOW DID WE GET FROM HERE TO THERE? LEGISLATIVE COUNCIL WORKSHOPS AND DELIBERATION

The second phase of the Charter revision process takes place when the Commission sends the draft report to the legislative body/appointing authority. In the event the Legislative Council were to approve the report, the process would be at an end. In this case there were a number of sessions and 28 recommendations (discussed earlier) that were returned to the Charter Commission.

- **June 8, 2021:** Chair Dixon, Vice Chair Downing and Counsel Mednick present the Charter to the Legislative Council
- **June 16, 2021:** Legislative workshop on the Charter - Administration and Department Head testimony
- **June 23, 2021:** Public Hearing on Charter.
- **June 29, + 30, 2021:** Charter Revision Workshops
- **July 7, 2021:** Final Public Hearing and Charter Revision Workshop
- **July 8 + 12, 2021:** Charter Revision Workshops
- **July 13, 2021:** Action on the Proposed Charter: Resolution containing 28 Recommendations

# HOW DID WE GET FROM HERE TO THERE? CRC CONSIDERS LEGISLATIVE COUNCIL RECOMMENDATIONS

The third phase of the Charter revision process takes place when the Commission considers and reviews the recommendations of the Legislative Council. At this point the Commission is limited to consideration of those items only and is prohibited from raising any new issues.

- **July 14, 2021:** The Commission and Legislative Council conducted the statutory conferral session where the legislative recommendations were presented to the CRC.
- **July 17, 20, 22, 26, 27 + 28, 2021:** The Commission debated and discussed the recommendations, including the issues of “for cause” termination of Mayoral appointed department heads (“Background Document #11”) and the elimination of the COO and replacement with a Chief of Staff (“Background Document #12”).
- **CRC Response:** The Commission approved 24 of 28 Legislative Council Recommendations, including rejection of some issues that were considered important: creation of a Chief Operating Officer, and a twelve consecutive year limit of service on Boards and Commissions.

# HOW DID WE GET FROM HERE TO THERE?

## THE FINAL ACT

The fourth phase of the Charter revision process is approval by the appointing authority.

- The proposed Charter passed in a final 8-7 vote. **Voting for Charter reform were:** Chair Dixon, Vice Chair Downing, Secretary Battle and Commissioners Artis-Wilson, Gallagher, Hebron, Kaye and Sprague Oliveira. **Voting against Charter reform were:** Commissioners Berton, Cohen, Figlar, Hul, LaDore, Moler and Olson.
- A review of the videos and minutes will demonstrate that this Charter revision process was civic action at its best: open, robust and inviting to all CRC members and to the public. The proposed revised Charter is a substantial and non-partisan document which addresses issues pertinent to the operation of Town government:
  - Public accessibility to government and the public interest that should be served by Boards and Commissions;
  - Diversity in government with the addition of neighborhood representation to other more routine diversity standards;
  - Fiscal accountability through the creation of a Finance Commission with a majority of members appointed by the Legislative Council;
  - Budget reform, including an alignment of the general and capital budget processes;
  - Equity and inclusion as promoted by the creation of the Diversity, Equity and Inclusion Commission, which benefitted from the addition of proposed amendments by Councilmembers Cesare and Horsley; and,
  - Accountability in Public Safety, by reinforcing the current substantial legal authority of the Police Commission with increased public participation, acknowledging 21<sup>st</sup> century police practices and, yet, recognizing the limitations imposed by current state law and collective bargaining agreements. There is also a mandatory training requirement for all Police Commissioners so that they understand the requirements of the job. This was an important initiative that came from the Legislative Council Resolution of May and June 2019 and was done with cooperation of the Chief, Chair of the Police Commission, the Town Attorney, consultation with Labor Counsel and Union counsel and with concern for work of the members of the department and the public.