Proposed Revisions - 12 May 2021
Charter Revision Commission 2020-2021

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# ANOTATED CHARTER
## TOWN OF HAMDEN

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Hamden’s strength, inclusiveness, and innovation are the foundation of our community. In this respect, we acknowledge that the land on which Hamden was founded was part of the Sachemdom of the Quinnipiac Peoples who thrived and prospered here for thousands of years and thank them for their strength, resilience, and vision in protecting and stewarding this land. We further acknowledge the members of the Mount Carmel Ecclesiastical Society, whose founding enabled the establishment of Hamden as a Town. We aspire to always uphold our like responsibilities according to their example of those who came before us.

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 and, as amended November ___, 2021

1 2021 modification of Charter Revision of 2011.
2 2021 Note: Hamden was part of the more northerly area of their territory that extended into North Haven, Cheshire, and to a certain extent Wallingford. There were four main villages at the time of English colonization, Mioonkhtuck (New Haven-East Haven), Totoket (Branford), Mennunkhtuck (Guilford), and another in Southern North Haven (that of Montowese). The area of Hamden was ground for seasonal hunting and foraging camps as well as small winter encampments away from the coast. Sleeping Giant was a sacred place for the Quinnipiac and is the resting place of the powerful spirit Hobomock who was an important entity within the spirit world. The Mattabasic people were located along the Connecticut River in Middletown and though related to the Quinnipiac, were a separate group. They did share hunting grounds in what is now the Durham, Wallingford, and Meriden areas with the Quinnipiac.
3 2021 Note: In 1757, a group of 46 of Mt. Carmel’s forefathers met in Bellamy’s Tavern on Whitney Ave. (near what is now Wentworth’s Ice Cream Shoppe), to formulate a petition requesting that the CT Colonial Legislature approve the establishment of a separate parish in Mt. Carmel. On January 31, 1759 the legislature granted the petition and the Mt Carmel Ecclesiastical Society was founded. This was a necessary step to be taken and approved prior to a Town being established as there was no separation of Church and State at that time. In 1786 a petition to establish a separate town called Hamden (named after English Statesman John Hampton) was granted.
4 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

Annoted Charter of the Town of Hamden, Connecticut - 1 (12 May 2021) 
Approved as Amended and Revised – November 8, 2011
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 C Burlington; 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.

Annotated Charter of the Town of Hamden, Connecticut - 2 (12 May 2021)
Approved as Amended and Revised – November 8, 2011
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

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5 NEW (Charter Revision of 2011).
6 NEW (Charter Revision of 2011).
7 NEW (Charter Revision of 2011).
8 NEW (Charter Revision of 2011).
9 NEW (Charter Revision of 2011). Term used in 1983 Charter yet not defined.
10 NEW (Charter Revision of 2011).
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.

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.

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12 NEW (Charter Revision of 2011).
13 Required by C.G.S. §7-193(a)(1)(C).
14 NEW (Charter Revision of 2011). Term used in 1983 Charter yet not defined.
15 NEW (Charter Revision of 2011). Term used in 1983 Charter yet not defined.
16 NEW (Charter Revision of 2011). Term used in 1983 Charter yet not defined.
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.

M. “General Statutes” shall mean the General Statutes of the State of Connecticut, as amended from time to time; also referred to as “C.G.S.”.

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” shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.

R. “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 website 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.

S. “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.

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17 C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town".

18 NEW (Charter Revision of 2011).

19 NEW (Charter Revision of 2011).

20 Required by C.G.S. § 7-193(a)(2)(C).

21 NEW (2021)

22 NEW (Charter Revision of 2011).

23 NEW (Charter Revision of 2011). Term used in 1983 Charter yet not defined.
T. “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”.

U. “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.

V. “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.

W. “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.

X. “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.

Y. “Special Acts” or “Special Laws” shall mean the acts of the General Assembly pertinent to the Town.

Z. “State” or “Connecticut” shall mean the State of Connecticut.

AA. “State Constitution” shall mean the Constitution of the State of Connecticut.

24 NEW (Charter Revision of 2011). Terms used in 1983 Charter yet not defined.
26 NEW (Charter Revision of 2011). Term used in 1983 Charter yet not defined.
BB. "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.

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

DD. "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.

EE. 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.

FF. 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.

GG. Where reference is made to the word “shall” the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Code of Ordinances of the Town. It is recommended that to avoid any doubt the word “must” should be used in order to impose clarity on the concept of obligation.

27 NEW (Charter Revision of 2011).
28 Modification of 1983 Charter section 5-4 (first clause of first sentence), by applying the standard to all elected office and by adding “…resignation, removal or other reason as may be defined by Ordinance”.
29 NEW (2021)
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.

30 1983 Charter Chapter I.
33 Restructure of 1983 Charter section 1-3 (first sentence).
34 Restructure of 1983 Charter section 1-3 (second sentence).
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 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 35.

B. Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt or lien 36.

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 37.

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 38.

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 39.

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 40.

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.\(^4\)


Annotated Charter of the Town of Hamden, Connecticut • 11 (12 May 2021)
Approved as Amended and Revised – November 8, 2011
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.

42 1983 Chapter II, replaced “Officers” with “Elected Officials”.
43 NEW (Charter Revision of 2011).
44 Derived from 1983 Charter section 2-1 entitled “State and Federal Officers” (first sentence).
45 NEW (Charter Revision of 2011).
46 Modification of 1983 Charter section 2-1 entitled “State and Federal Officers” (second sentence).
47 Modification of 1983 Charter section 2-2 (second sentence). This provision consolidates all the municipal officials in one section.
48 Modification of 1983 Charter section 3-1 entitled “Composition” (first sentence). This provision establishes the number of districts at nine.
49 NEW (Charter Revision of 2011).
(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.

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.

51 1983 Charter section 12-1 (eleventh sentence) utilizes the term “elected and qualified”.
52 NEW (Charter Revision of 2011). See, C.G.S. §9-190a entitled “Election of registrars at state elections”.
53 Modification of 1983 Charter section 2-2 entitled “Town Elections”. The new provision includes reference to the number of Legislative Council Members as established in Section 3-3A(1), above; and moves the class of six members of the Board of Education to this provision in order to commence the alignment of all elected officials for a four year term.
54 NEW (Charter Revision of 2011). This provision is designed to address the four year term for Registrar of Voters and the establishment the alignment to the gubernatorial election cycle, as set forth in Transition Provision C in section 11-9 of this Charter.
55 Revised in 2011: Two-year term for Mayor, Council and Town Clerk; including an alignment of the election cycles for Registrar of Voters and members of the Board of Education, in accord with
(1) **Four Year Term:**

(a) **Members of the Board of Education**\(^56\). 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.

(b) **Mayor**\(^57\). Commencing at twelve noon on the last Sunday of November following the election 2023 and quadrennially thereafter, the Mayor shall hold office for a term of four (4) years.

(2) **Two Year Term: The Town Clerk and Members of the Legislative Council**\(^58\). Commencing at twelve noon on the last Sunday of November following their election in 2013 and biennially thereafter, the 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 B**: See, §11-8 of this Charter pertaining to the transitional election scheduled for 2012).

C. 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\(^59\).

D. **Election of At-Large Members of the Legislative Council**\(^60\). The

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\(^56\) Charter Revision of 2011.

\(^57\) NEW (2021).

\(^58\) Recodification of 2011 Section 3-3.C.(2).

\(^59\) Modification of 1983 Charter section 2-2 entitled “Town Elections”. Modified, in part, and repealed in part, as follows: (1) The following portion of section 2-2 (sixth sentence) was replaced by the proposed language: “The number of persons sufficient to fill the offices to be filled shall be elected”. (2) The following portion of Section 2-2 (fifth sentence) was repealed: “The names of all candidates duly nominated shall be arranged on the voting machines in alphabetical order of their surnames within the party line after the title of the office to be filled, except that all at large candidates for the Legislative Council shall be listed before district candidates”. The issue is addressed by C.G.S. §§ 9-251 entitled “Order of office on ballot labels”, 9-253 entitled “Order of names of party nominees for multiple-opening office determined by lot. Order when candidate nominated by more than one party”, 9-437 entitled “Form of ballot label. Position of candidates’ names on ballot. Sample ballot labels. Voting instructions and information”; and, 9-453r entitled “Position of candidates’ names on ballot”.

\(^60\) Modification of 1983 Charter section 3-1 (third sentence), replacing “political party” with “major” or “minor” party reference and adding “Petitioning slates of candidates (if permitted by the General
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.

E. Election of Members of the Board of Education

(1) Six Members of the Board of Education Elected Pursuant to §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 of the Town, where such residence is required for eligibility, shall thereupon cease to hold elective or appointive office in the Town or district, unless otherwise set forth in this charter.

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 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 in 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

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68 In lieu of 1983 Charter section 5-4 (first sentence)
69 Consistent with 1983 Charter section 2-4 (first sentence).
70 Modification of 1983 Charter section 2-4 (second sentence).
71 NEW (Charter Revision of 2011).
Education\footnote{Modification of 1983 Charter section 2-4 (fourth sentence).}

(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\footnote{NEW (Charter Revision of 2011)}. 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\footnote{NEW (Charter Revision of 2011)}. 

D. Registrars of Voters\footnote{See, C.G.S. \S\S 9-192 entitled “Deputy registrar. Registrar vacancy. Assistant registrars. Special assistant registrars”.}. Any Vacancy in the Office of the Registrars 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\footnote{Modification of 1983 Charter section 2-4 (third sentence).}. 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\footnote{NEW (Charter Revision of 2011)}.

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\textsuperscript{rd}) of the Council present and voting; although there shall be, at least, nine (9) members voting in the affirmative\footnote{NEW (Charter Revision of 2011)}.

SECTION 3-7: REAPPORTIONMENT OF VOTING DISTRICTS\footnote{In lieu of 1983 Charter section 2-5. C.G.S. \S 9-169f. Reapportionment required for certain municipal legislative bodies. Not later than June first in the year after the first regular General Assembly election following a reapportionment of the General Assembly, each municipal legislative body whose members are elected wholly or partially on the basis of a geographical division of the municipality shall adopt a reapportionment plan for such legislative body. Any such municipal reapportionment plan (1) shall be based on population data for the municipality from the most recent decennial census of the United States and (2) may provide for geographical divisions which use the same borders as General Assembly districts in the municipality.}.

A. Nine Voting Districts and Standards Pertaining to Reapportionment.

\footnotetext[72]{Modification of 1983 Charter section 2-4 (third sentence).}
\footnotetext[73]{Modification of 1983 Charter section 2-4 (fourth sentence).}
\footnotetext[74]{NEW (Charter Revision of 2011).}
\footnotetext[75]{See, C.G.S. \S\S 9-192 entitled “Deputy registrar. Registrar vacancy. Assistant registrars. Special assistant registrars”.}
\footnotetext[76]{Modification of 1983 Charter section 5-4 (second sentence). Added “Acting” Mayor and President of the Council as the Acting Mayor. Also adds (1) Mayoral notification; and (2) “...inability to attend to the duties of office due to ...sickness or other cause,\footnotetext[77]{NEW (Charter Revision of 2011).}
\footnotetext[78]{NEW (Charter Revision of 2011).}
\footnotetext[79]{In lieu of 1983 Charter section 2-5. C.G.S. \S 9-169f. Reapportionment required for certain municipal legislative bodies. Not later than June first in the year after the first regular General Assembly election following a reapportionment of the General Assembly, each municipal legislative body whose members are elected wholly or partially on the basis of a geographical division of the municipality shall adopt a reapportionment plan for such legislative body. Any such municipal reapportionment plan (1) shall be based on population data for the municipality from the most recent decennial census of the United States and (2) may provide for geographical divisions which use the same borders as General Assembly districts in the municipality.}
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 (1st) 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 1st 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 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 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 (2/3ths) 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) two (2) recommended by the President of the Legislative Council; (b) two (2) recommended by the Council Majority Leader; (c) two (2) recommended by the Council Minority Leader; (d) one (1) upon the Mayor’s designation; and (e) the two (2) Registrars of Voters, no more than four (4) of whom shall be from the same political party.

(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, a majority vote of the entire membership of the Commission80. In such an event, the Legislative Council shall act in accordance with §3-7.G(2) of this Charter.

80 NEW (2021).
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 \((2/3)\) 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 by an affirmative vote of at least two-thirds \((2/3)\) of the Council present and voting 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 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\(^{81}\).

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.

\(^{81}\) Charter Revision of 2011.
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 3-8: 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.

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82 NEW (Charter Revision of 2011).
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 decisions. This process must be free from threats, favoritism, nepotism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By setting forth this Statement of Purpose, the Town of Hamden seeks to articulate a policy that will continually strive to maintain and increase the confidence of our citizens in the integrity and fairness of their government. Public officials and employees must discharge their duties impartially so as to assure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public confidence in the integrity of the competitive process. In all cases, the reality and appearance of impropriety should be addressed by the Conflict of Interest Policy and Ethics Ordinance.

B. Conflict of Interest Policy and Ethics Ordinance. 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
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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;89;

(b) may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances;90; and,

(c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance.91;

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 required by §3-9.B of this Charter shall define and set forth the parameters of conflicts of interest and corrupt practices.92

89 Modification of 1983 Charter section 19-3 (fourth paragraph) by replacing “instance” with “option”.
90 NEW (Charter Revision of 2011).
91 Modification of 1983 Charter section 19-3, by (1) broadening the standard to any actions (including contracts and agreements); (2) adding the following: “…and may result in the discipline of public officials and employees in accordance with the provisions of this Charter and Ordinances”; and, (3) adding the following: “…(c) may result in disqualifying individuals or entities from engaging in business with the Town for a period of time to be established by Ordinance.”
92 Consistent with 1983 Charter section 19-3 (first sentence) by deleting the following language: “No member of the Council or other Official or employee of the Town shall have any financial interest, direct or indirect, in any contract with the Town or in the sale to the Town of any supplies, materials, services, land, buildings or equipment, except on behalf of the Town as an Official or employee thereof unless such member shall file with the Town Clerk a written statement setting forth fully the nature and extent of such member’s interest therein”.
93 Among the provisions is C.G.S. § 7-148h(b) Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official’s duties or employment in the public interest and of the official’s responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official’s spouse or dependent child, or a business with which he is associated, as defined in section 179, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official’s official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official’s duties in the public interest and of the official’s responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official’s spouse or dependent child, or a business with which he or she is associated, as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter.
94 NEW (Charter Revision of 2011).
95 Consistent with 1983 Charter section 19-3 (third sentence) by deleting the following language: “…No member of the Council or other Official or employee of the Town shall solicit or accept any compensation of gratuity in the form of money or otherwise from any person, firm or corporation,
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\text{rd}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.

which might tend to influence the discharge of the duties of such member, provided that nothing herein shall prohibit an Official or employee of the Town from accepting a publicly offered reward for meritorious conduct.

96 Modification of 1983 Charter section 3-14 by adding “Appointed Officials”.
97 Modification of 1983 Charter section 3-14 (first paragraph, third sentence). The provision reaffirms the “for cause” standard and establishes a definitive vote of the Legislative Council. The current standard in Section 3-14: “The power to remove shall be by an affirmative vote of at least two-thirds (2/3) of the Council present and voting in the case of elected officials or officials appointed by the Council”.
98 NEW (Charter Revision of 2011). At the time the revised Charter C.G.S. § 7-22 entitled “Removal of town clerks” applied.
99 NEW (Charter Revision of 2011).
100 NEW (Charter Revision of 2011).
101 NEW (Charter Revision of 2011).
102 Modification of 1983 Charter section 3-14 (first paragraph, second sentence).
D. **Grounds of Cause.** Such charges shall be for:

1. A finding by the Board of Ethics of neglect or dereliction of official duty or a violation of (a) the conflict of interest policy and ethics provisions of this Charter and/or Ordinances; or, (b) any other provisions of law pertaining to unethical conduct, corrupting influence or illegal activities (including violations of federal, state or local law)\(^{103}\);

2. Conviction of a felony\(^{104}\);

3. Conviction of a lesser crime involving fraudulent or dishonest conduct\(^{105}\);

4. Determination of physical or mental incapacity to serve, based upon the best evidence as presented by competent authority\(^{106}\);

5. Determination of incompetence based upon the best evidence as presented by competent authority\(^{107}\);

6. Documented poor performance of an Appointed Official kept in the normal course of business\(^{108}\);

7. Habitual absence from office, as may be defined by the Mayor for Appointed Officials; by Ordinance; or, if not by Ordinance by the adopted and approved rules of procedure for the Legislative Council\(^{109}\);

8. A delinquency materially affecting the person’s general character or fitness for office\(^{110}\); or,

9. Such actions as may be set forth in the Ordinance by the Council\(^{111}\).

E. **Right to Counsel**\(^{112}\). 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.

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\(^{103}\) Modification of 1983 Charter section 3-14 (first paragraph, first sentence) by adding “dereliction of official duty”.

\(^{104}\) 1983 Charter section 3-14 (first paragraph, first sentence).

\(^{105}\) 1983 Charter section 3-14 (first paragraph, first sentence).

\(^{106}\) NEW (Charter Revision of 2011).

\(^{107}\) NEW (Charter Revision of 2011).

\(^{108}\) NEW (Charter Revision of 2011). Removal of Boards and Commission is addressed in Charter section 7-1.E

\(^{109}\) NEW (Charter Revision of 2011).

\(^{110}\) NEW (Charter Revision of 2011).

\(^{111}\) Modification of the standard set forth in 1983 Charter section 3-14 (first paragraph, first sentence’ “…include, but not limited to…”.

\(^{112}\) Modification of 1983 Charter section 3-14 (first paragraph, fourth sentence).

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Approved as Amended and Revised – November 8, 2011
F. Public Hearing

Public Hearing[^113]. 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[^114].

[^113]: Modification of 1983 Charter section 3-14 (first paragraph second and fifth sentences).
[^114]: Modification of 1983 Charter section 3-14 (second paragraph). Deleting the following provision since it was not clear what the legal authority was: “…of such action to the Superior Court”.

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Approved as Amended and Revised – November 8, 2011
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...
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 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
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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

132 Modification of 1983 Charter section 3-3 (third sentence), in lieu of the following: “All meetings of the Council shall be open to the public, except as otherwise permitted by the General Statutes.”

133 Modification of 1983 Charter section 3-4 (first sentence) by replacing “appointed by the Council” with “…recommended by the President and approved by the Council”.

134 1983 Charter section 3-4 (second sentence).

135 1983 Charter section 3-4 (third sentence).

136 Minor modification of 1983 Charter section 3-5, including moving the general grant of legislative authority to proposed Section 3-1 and modifying the language of the provisions pertaining to the municipal sewerage system to recognize the authority but to make it discretionary since WPCA is currently regional. Also, establishes a majority standard.


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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 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;\(^{138}\)

C. increase or decrease the budget or any item thereof;\(^{139}\)

D. contract for legislative services, upon action by Order or Motion;\(^{140}\)

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;\(^{141}\)

F. to appropriate, notwithstanding the provisions of the Charter to the contrary, necessary funds for the purpose of meeting a Public Emergency as set forth in §5-4.C of this Charter;\(^{142}\) 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.\(^{143}\)

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.\(^{144}\) 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.\(^{145}\)

SECTION 4-6: COUNSEL TO COUNCIL.\(^{147}\)

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

\(^{138}\) Modification of 1983 Charter section 3-5 (second sentence, second clause) with the addition of the following clause: "...unless required by the Charter or Charter or reorganized as permitted by §8-1.B (1) of this Charter."

\(^{139}\) Modification of 1983 Charter section 3-5 (fourth sentence).

\(^{140}\) Modification of 1983 Charter section 3-5 (fifth sentence) by replacing “Ordinance” with “Order” or “Motion”.

\(^{141}\) Modification of 1983 Charter section 3-5 (sixth sentence) by replacing “Ordinance or Resolution with “Order or Motion”.

\(^{142}\) NEW (Charter Revision of 2011).

\(^{143}\) Modification of 1983 Charter section 3-5 (seventh sentence), by deleting the reference to "Chapter I."

\(^{144}\) Modification of 1983 Charter section 3-5 (eighth sentence).

\(^{145}\) Replaced “officers” with “and Officials”.

\(^{146}\) 1983 Charter section 3-5 (third sentence).

\(^{147}\) 1983 Charter section 3-6.
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 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.

149 Modification of 1983 Charter section 3-8 (first sentence), by replacing the following language: “Except in the case of resolutions relating to the procedures of the Council, every proposed ordinance or resolution shall be presented to the Mayor for approval, veto or acceptance within five (5) days after adoption by the Council.” The replacement language add the terms “order or other legislative act”, replaces the term “adoption” with “passage” (akin to the language in the rules of the General Assembly), inserts “business” days; and, utilizes the term “for action” in lieu of “approval, veto or acceptance”. It also inserts the Clerk of the Council as the transmitting agent.
150 NEW (Charter Revision of 2011).
151 NEW (Charter Revision of 2011).
152 Modification of 1983 Charter section 3-8 (second sentence), by replacing the following language: “Within fifteen (15) business days after adoption by the Council, the Mayor shall approve veto or accept the proposed ordinance or resolution”. The replacement language adds “order or other legislative act”; inserts “business” days; and, addresses the specific Mayoral actions in a later provision.
153 Modification of 1983 Charter section 3-8 (third sentence), by replacing the following language: “Every ordinance and resolution approved by the Mayor and those accepted by the Mayor’s not acting to approve or veto such ordinance or resolution within fifteen (15) days shall become effective in accordance with this section”. The replacement language adds “order or other legislative act”; utilizes the term “fails to take action” in lieu of “not acting to approve or veto” (veto is addressed in the following provision); add “business” days; and, adds the following sentence: “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”.

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(2) Veto by the Mayor\(^{154}\). 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\(^ {155}\). 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\( ^{rd}\)) 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\(^{st}\)) Day after Public Notice of Final Action\(^ {156}\). With the exception that an Ordinance stated to be a public emergency measure shall be effective immediately, as set forth in §5-4.E (4) of this Charter\(^ {157}\).

(2) Resolutions, Orders or Motions\(^ {158}\). 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\(^ {159}\).

A. Public Notice of Final Action. Public Notice regarding Ordinances and Statutory Resolutions shall be provided within ten (10) Days after Final Action\(^ {160}\). Public Notice of Resolutions, Orders and Motions shall be provided within twenty-four (24) hours of Final Action\(^ {161}\).

B. Public Notice of public emergency Ordinances or measures shall be addressed in §5-5.E of this Charter\(^ {162}\).

\(^{154}\) Modification of 1983 Charter section 3-8 (fourth sentence), by replacing the following language: “Every ordinance and resolution 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”. The replacement language adds “order or other legislative act”; and “business” days.

\(^{155}\) Modification of 1983 Charter section 3-8 (fifth sentence), by replacing the following language: “Following receipt of the Mayor’s veto, any vetoed ordinance or resolution again approved by an affirmative vote of at least two-thirds (2/3) of the Council present and voting at a meeting shall become effective in accordance with this section”. The replacement language adds “order or other legislative act”.

\(^{156}\) Consistent with 1983 Charter section 3-9 (second sentence); includes new defined terms “Public Notice” and “Final Action”.

\(^{157}\) Minor modification of 1983 Charter section 3-8 (sixth sentence) by changing “publication” to “Public Notice”.

\(^{158}\) NEW (Charter Revision of 2011).


\(^{160}\) Consistent with 1983 Charter section 3-9 (first sentence); includes the definition of “Public Notice” in lieu of the “publication” requirement.

\(^{161}\) NEW (Charter Revision of 2011).

\(^{162}\) Derived from 1983 Charter section 3-9 (fourth sentence).
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. 

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 affirmativ vote of at least two-thirds (2/3) 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.

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163 Modification of 1983 Charter section 3-9 (fifth sentence) by adding "Statutory Resolution".

164 1983 Charter section 3-10 (first paragraph, first sentence).

165 Modification of 1983 Charter section 3-10 (first paragraph, second sentence) by reducing the requisite percentage of signatures to 15%. The provision pertaining to "final action" is a in lieu of the following: "...the approval of an Ordinance or resolution by the Mayor, or passage by the Mayor's failure to act, or passage by the Council after the Mayor's disapproval, as provided in §3-8,..."

166 1983 Charter section 3-10 (first paragraph, third sentence).

167 1983 Charter section 3-10 (first paragraph, fourth sentence).

168 1983 Charter section 3-10 (second paragraph).

169 1983 Charter section 3-10 (third paragraph).

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")\(^\text{171}\), 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\(^\text{172}\).

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 written notice to its Clerk of such an appointment.

SECTION 4-12: INTERLOCAL AGREEMENTS AND REGIONAL COOPERATION\(^\text{173}\).

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.

\(^{171}\) See, Government Finance Officers Association (GFOA) reports entitled “Audit Procurement” (1996 and 2002).


\(^{173}\) NEW.

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CHAPTER V: THE MAYOR 174

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 175.

SECTION 5-2: DUTIES.

The Mayor shall:

A. be responsible for the administration of all Departments 176 and Officials 177 in charge of persons or Boards and Commissions 178 appointed by the Mayor, and shall oversee and direct the same 179;

B. be an ex-officio, non-voting 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 180;

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 181; and,

D. submit to the Council:

(1) a quarterly report on all contracts all contracts (including agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements) entered into on behalf of the Town, including but not limited to, those executed within the budget limits or other authority established by the Legislative Council; however, excluding all such contracts (as defined in this subsection) as may be exempted from disclosure by

174 1983 Charter Chapter V.
175 1983 Charter section 5-1.
176 “Department” includes the deled term “agencies”.
177 “Officials” replaces “officers”.
178 Modification of 1983 Charter section 5-2, by adding the word “Commissions”.
179 Modification of 1983 Charter section 5-2 (first sentence) by replacing “supervise” with “oversee”.
(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 are addressed in §5-4.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

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182 2021 modification of 2011 Charter Revision.
183 Modification of 1983 Charter section 5-2 (fourth sentence) by modifying the threshold amount and adding the following: “...The Legislative Council is authorized to modify the threshold based upon the consumer price index or other like measure indexed for inflation”. In addition, the provision makes it clear that the authority is over contracts exempted from the competitive procurement and solicitation requirements of the Charter, in lieu of the language “…that were negotiated contract for services with a value over...”. It also deletes the following language “…at least sixty (60) Days prior to the effective date of the proposed contract.”
184 Modification of 1983 Charter section 15-4 (third sentence), to include all contracts and reduce the time-frame to 12 months. Moreover, the vote should be by majority in lieu of “…two-thirds (2/3ths) of the Council present and voting”.
185 “Mayoral appointees” replaces “…such officers and employees…”.
186 Modification of 1983 Charter section 5-3 (first sentence) by deleting the following “…as an Ordinance of the Council consistent with this Charter may provide” and replacing with “…set forth in this Charter”.
187 NEW (Charter Revision of 2011).
188 Modification of 1983 Charter section 5-3 (second sentence).
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.

E. Appointments to Boards and Commissions shall be set forth in §7-1.B of this Charter.

SECTION 5-4: 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 (2/3s) 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. In the event of a declaration of public emergency declared by the President or Governor, there is no requirement for a local declaration, unless unique circumstances or external funding or reimbursement requirements otherwise require.

(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. Said public emergency may be a public health or civil preparedness emergency or both, as set forth under the General Statutes.

189 Modification of 1983 Charter section 5-3 (third sentence) by repealing the following clause: “...provided in case the Director of Finance is absent or unable to act, the Mayor may countersign checks”.  
190 Modification of 1983 Charter section 5-3 (fourth sentence) by adding the opening clause and the second sentence. 
192 Recodification of Charter section 5-5. 
193 See, C.G.S. §28-9 entitled “Civil preparedness emergency; Governor’s powers. Modification or suspension of statutes, regulations or other requirements;” and C.G.S. §19a-131a entitled “Declaration of public health emergency by Governor.”
194 Charter Revision of 2011 (first and second sentences of §5-5.A). 
196 See, C.G.S. §19a-1312a and §28-9, respectively. 
197 First sentence of Charter §5-5.A (1) was adopted during the Charter Revision of 2011.  
198 NEW (2021) (second sentence of Charter §5-5.A (1). At the time of adoption public health and civil preparedness emergencies are set forth in C.G.S. §19a-1312a and §28-9, respectively.

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(2) Notice. In the event a declaration is issued by the Mayor or Legislative Council, the Mayor or President of the Legislative Council, as the case may be, is required to issue notice within three (3) hours of such declaration in accordance with §1-4.V of this Charter by electronic means to the Mayor or the members of the Legislative Council, as the case may be; or in the event electronic means are not available by delivering the written declaration to the receiving party or parties. The Mayor is required to notify all emergency personnel of the public emergency.

(3) 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) 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 Appropriation. The Mayor and Legislative Council are required to include in the Town Budget Ordinance an appropriation for a public emergency contingency for the purpose of effectuating the authority of the Mayor under §5-4.C (2) of this Charter.

(2) Emergency Expenditures,

(a) Authority of the Mayor and Modification of Authority. The Mayor may obligate the Town in an amount of money not to exceed One Hundred Thousand ($100,000.00) Dollars ("Authorized Amount") as may be appropriated pursuant to §5-4.C(1) of this Charter, any increase to the Authorized Amount, as set forth below, or any emergency appropriation as may be approved by the Council from the public emergency contingency appropriation.

(i) Increase in the Authorized Amount. In the event...
the Legislative Council determines that the amount of funds set forth, above, is not sufficient to meet expected emergency expenditures, the Council is authorized to increase Mayor’s level authority to an amount set forth by Ordinance 205.

(b) Funds Unavailable from Authorized Appropriation 206. In the event such money is not available from the public emergency contingency appropriation, the Mayor may obligate such authorized amount from other unexpended funds identified by the Director of Finance, to cope with such public emergency until the Legislative Council convenes.

(c) Mayoral Report on Emergency Expenditures 207. The Mayor is required to report any action taken under § 5-5C (2) (a) and (b) at the next meeting of the Legislative Council 208.

(3) Emergency Appropriations 209. Notwithstanding the provisions of §§10-7.D and E of this Charter, in the event that funds in addition to the public emergency contingency appropriation are required to meet or mitigate a declared public emergency, the Mayor shall determine the 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 (2/3rds) of the members of the Legislative Council is required to authorize any such emergency appropriation 210.

(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.

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205 2021 modification of the parenthetical of the first sentence of Charter §5-5.C (3) of the Charter Revision of 2011.
206 2021 modification and recodification of the second clause of the first sentence of Charter §5-5.C (3) of the Charter Revision of 2011.
207 2021 recodification of the third sentence of §5-5.C (1) of Charter Revision of 2011.
208 2021 repeal of the last sentence of Charter §5-5.C (3) of Charter Revision of 2011. “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.
210 See, C.G.S. §7-148(c) (2) (D), as follows: “Make appropriations for the purpose of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall require a favorable vote of at least two-thirds of the entire membership of the legislative body or, when the legislative body is the town meeting, at least two-thirds of those present and voting”.

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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 the rules of the Legislative Council. 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, Orders and Measures. Upon the declaration of a Public Emergency, the Legislative Council may enact Public Emergency Ordinances, Orders (as set forth above) and other measures in order to meet such emergency. Rules and procedures for the adoption of Public Emergency Ordinances, Orders and measures shall be governed by the rules of the Legislative Council 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 or Order stated to be a Public Emergency Ordinance, Order 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, Order or measure; however, the procedural measures set forth in that provision shall be addressed in the rules of the Legislative Council.

(4) Requirements. An emergency Ordinance, Order or other measure shall contain a specific statement of the emergency and shall require a Majority Vote of the Legislative Council.

(5) Effective Date. An emergency Ordinance, Order or other measure shall become effective immediately upon final action as set forth in the Rules of the Legislative Council. However, Public Notice of such Public Emergency Ordinance, Order or other measure shall take place promptly following final action.

(6) Automatic Repeal of Public Emergency Ordinance or Measure. With the exception of emergency appropriations (enacted by Order of the Legislative Council), every such Public Emergency Ordinance or measure...
SECTION 5-6: THE CHIEF OPERATING OFFICER - GOVERNMENT ADMINISTRATION AND OPERATIONS

A. Appointment of the Chief Operating Officer. The Mayor shall appoint the Chief Operating Officer as set forth in §8-2.A of this Charter. The Chief Operating Officer shall serve a term conterminous with the Mayor who appoints said Officer and, notwithstanding the provisions of §8-2.B of this Charter, the Mayor may commence removal proceedings in accordance with the provisions of §3-10 of this Charter.

B. Qualifications. The Chief Operating Officer shall be appointed on the basis of education and experience in the accepted competencies, practices and credentials of local government management in accordance with best practices as set forth by the International City/County Management Association ("ICMA"), National League of Cities ("NLC"), Connecticut Conference of Municipalities ("CCM"), United States Conference of Mayors National Association of Counties ("NACO"); or, Government Finance Officers Association ("GFOA") or any successor organizations thereto.

1) Ordinance. The Mayor, upon the recommendation of the Director of Personnel, is required to recommend an ordinance, which may be modified from time to time in accordance with the standards established in this Charter, which establishes the job description and qualifications for the Chief Operating Officer. Said Ordinance shall establish academic qualifications which may include but not be limited to at least a master's degree with a concentration in public administration, public affairs, or public policy as well as experience levels in appointed managerial or administrative position in a municipal government.

(a) Transition Provision Pertaining to the Ordinance. The Mayor shall propose said Ordinance on or before the 1st Day of January 2022. In the event the Mayor has not submitted said Ordinance by that time, the Legislative Council on its own motion is required to proceed with the adoption of the initial ordinance, with the assistance of the Director of Human Resources on or before March 1, 2022. The position shall be advertised on or before March 10, 2022. This Charter requires appointment of the initial Chief Operating Officer to be no later than July 1, 2022.

2) Conflicts of Interest. The Chief Operating Officer shall devote his or her entire time and business interest to the management of the town’s affairs and shall not, during his or her term of office, be an employee of or perform any executive duty for any person, firm, corporation or institution other than the Town.

C. Powers and Duties. The Chief Operating Officer shall be the chief operating officer of the Town, who shall report directly to the Mayor as the Chief Executive Officer.
Official of the Town in accordance with the General Statutes. In this respect, the Chief Operating Officer shall:

(1) Perform such duties as the Mayor may from time to time determine, in addition to those set forth in this Charter and Ordinances. These duties may include administrative and supervisory responsibilities within the authority and under the supervision of the Mayor in respect to any and all personnel and management functions provided for in the approved budget, but reserving always to the Mayor and the Legislative Counsel the final responsibility for policy and for review of viewpoints which department heads and other members of the staff may desire to bring before the Mayor.

(2) Manage, administer, supervise and perform, under the authority of the Mayor all

(a) Operational municipal functions related to, but not necessarily limited to, public works, traffic, parks and recreation, planning, zoning and environmental protection;

(b) Police, fire, health, social services, rescue, emergency medical service and emergency management and, unless otherwise provided by state or federal law, shall be responsible for the oversight of all municipal functions related to the abatement and management of environmental contamination. In doing so, the town Administrator shall be responsible for the supervision of the activities of the Chief of Police and the Fire Chief, and, unless otherwise prohibited by state law, shall be responsible for the functions of the Fire Department and the Office of Emergency Management; and,

(c) Municipal functions related to, but not necessarily limited to, finance, tax assessment and collection, economic development and information technology.

(3) Recommend to the Mayor adoption of such measures as he or she may deem necessary or expedient;

(4) Assist the Mayor in the submission to the Council of the Proposed Town Budget as by this Charter required;

(5) Perform such other duties as may be prescribed by this Charter or required of him or her by the Mayor or by Ordinance;

(6) Assist the Mayor and Board of Education in all aspects of labor negotiations, personnel issues, financial management, and any other field of public administration commensurate with his or her knowledge and experience.
ANOTATED CHARTER
TOWN OF HAMDEN

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.


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**\(^{228}\). All fees collected by the Town Clerk shall be paid to the Town, except as otherwise provided by the General Statutes.

(5) **Certification**\(^{229}\). 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**\(^{230}\).

There shall be Registrars of Voters as required by the General Statutes and as set forth in this Charter\(^{231}\).

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228 1983 Charter section 2-6 (third sentence, second clause).
229 NEW (Charter Revision of 2011). See, C.G.S. §7-22a entitled “Certification program for town clerks” is not mandatory: “(b) any person may participate in the course of training….and upon successfully completing any examination….shall be recommended to the secretary of the state as a candidate for certification as a certified Connecticut town clerk”.
230 NEW (Charter Revision of 2011).
231 See, C.G.S. §9-190 entitled “Registrars of voters”. See also, C.G.S. §9-189a entitled “Four-year terms for town clerks, registrars and treasurers”.

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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. 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 Role of Boards and Commissions. The primary purpose of a Board or Commission is to serve the residents of the Town in carrying out the policy, advisory and/or quasi-judicial or regulatory functions under its charge. Boards and Commissions serve as a conduit for citizen participation and input by gathering, analyzing and acting upon such information in order to meet the specific objectives as set forth under this Charter, Ordinances or other source of legal authority.

2. The Public Interest. Members of Boards and Commissions are required to understand the role and scope of responsibility and be informed of the objectives, scope of responsibility and operating procedures of the Board of Commission to which they are appointed. Members should represent the public interest and not special interest groups and seek to render decisions on the basis of what is best for the residents of the Town. Furthermore, members should take care that deliberations include thorough research and review of all alternatives on an issue prior to making a recommendation.

   i. Regulatory Functions. In the case of members of regulatory Boards and Commissions, decisions should be evidence-based taking into account the interests of the public and fairness to the parties based upon application of the Law and any other pertinent documents.

   ii. Department-based Policy and Administrative Functions. In the case of members of department-based Boards and Commissions, members serve as a communication link between the community, staff, and Town presenting programs and recommendations and provide a channel for citizen expression. Members should establish a strong working relationship with Department Heads and other executives;

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232 Charter Revision of 2011.
233 2021 modification of 2011 Charter section 7-1. A.
234 At the time of adoption, the following Boards and Commission perform such functions: Civil Service Commission; Board of Ethics; Zoning Board of Appeals; Planning and Zoning Commission, Building Board of Appeals; Personnel Appeals Board and Inland Wetlands Commission. The Police and Fire Commissions also have regulatory functions in their complaint processes and personnel functions. If adopted the finance Commission would have discretionary and oversight functions that would fall into this category.
235 At the time of adoption, the following Boards and Commission perform such functions: Police Commission and Fire Commission, Diversity, Equity and Inclusion Commission and Library Board.

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however, at all times, members represent the public interest as opposed to the specific department interests under their jurisdiction. This is particularly true when a board of Commission has an oversight function.

B. Administrative Requirements of Boards and Commissions. All Boards and Commissions established by this Charter or by Ordinance are required to comply with the following requirements:

1. Number of Members. Terms. 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 and this Charter, the number shall always be odd and the term of office shall not exceed a term of six (6) years, which may be staggered.

2. Chairs and Other Officers. Any such Ordinance shall make provision for (a) the appointment of a chair, such officers as may be necessary for its proper function and a delineation of the responsibilities of the presiding officer and other officers; (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, comment and any applicable rules and protocols); and, (e) the frequency of regular meetings of all Boards and Commissions and mandatory attendance requirements. The agendas of Boards and Commissions shall be approved by the Chair of such entity.

3. Quorum. 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.

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236 NEW (2021).
237 Recodification of 2011 Charter section 7-1. A (1).
238 NEW (2021)
239 NEW (2021)
240 2021 modification of 2011 Charter section 7-1. A (2).
(4) **Meeting Frequency and Notice**\(^{241}\). Each Board or Commission shall meet as frequently as necessary to perform its duties; however, not less than monthly. Meetings may be cancelled with notice and disclosure to the public stating the reason for such cancellation; notwithstanding the foregoing, no Board or Commission shall cancel meetings for two (2) consecutive months. The Chair, any two members or the Mayor may call a meeting of any appointive Board or Commission, provided each member is given notice of not less than twenty-four (24) hours thereof.

(5) **Clerk**\(^{242}\). The Chief Operating Officer shall make certain that each Board or Commission has a clerk assigned to serve the function of said entity.

(6) **Records**\(^{243}\). Each clerk shall keep a complete record of the resolutions and other proceedings of the Board or Commission and shall have custody of its correspondence, files and other records. All minutes and recordings of meetings shall be filed with the Town Clerk. All such records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the Town website in compliance with the requirements of Law.

(7) **Public Access, Comment and Interaction**\(^{244}\).

1. **Electronic Access for the Public.** The Chief Operating Officer shall assign each Board and Commission a Town email address for the receipt of public comment and communication. Access to the email shall be limited to the clerk and/or Chair of the Board or Commission both of whom shall be responsible for disseminating such information to the remaining members.

2. **Public Comment at Meetings.** Members of the public shall be afforded opportunities for public comment pertaining to items on the agenda, electronically or in person, at least quarterly, unless otherwise set forth in this Charter, and at any meeting in which the Board or Commission is scheduled to take action on any matter whatsoever.

   a. **Matters of General Interest.** Boards and Commission may schedule public comment on matters of general interest from time-to-time.

   b. **Adding Items at Regular Meeting Agendas.** Members of Boards and Commission may add items to the agenda of any regular meeting as follows: (i) one-third \((1/3)\) of the members present and voting if included on the notice and agenda of a regular meeting; (ii) two-thirds \((2/3)\) of the members present
c. **Executive Session Matters.** Public comment may be limited or prohibited on agenda items covered by the Law pertaining to non-public meetings\(^{245}\) or executive sessions\(^{246}\), by applicable provisions of collective bargaining agreement, if any; and, any Laws or agreements protective of the privacy rights or confidentiality associated with any party before the Board or Commission. Notwithstanding the foregoing, Boards and Commissions should strive to permit public comment where possible in order to reach a balance between the public interest, contractual and legal obligations and avoiding prejudicial behavior in the decisions to be rendered; as may be determined by opinion of the Town Attorney.

(8) **Political Composition: Minority Party Representation\(^{247}\).** 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\(^{248}\). This provision shall apply to all Boards or Commissions established or required by this Charter or established by Ordinance.

(9) **Compensation Prohibited\(^{249}\).** 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.

C. **Appointment\(^{250}\).** 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.

(1) **Limitations on the Mayoral Appointment Authority to Boards and Commissions\(^{251}\).** The Mayor’s power of appointment pertaining to all members of Boards and Commissions, including vacancies, is set forth in this section of the Charter and is absolute unless otherwise set forth in the General Statutes or other specified provision of this Charter. Notwithstanding the

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\(^{245}\) At the time of adoption of this charter amendment the applicable provision was C.G.S. §1-200(2).

\(^{246}\) At the time of adoption of this charter amendment the applicable provision was C.G.S. §1-200(6).

\(^{247}\) See, C.G.S. § 9-167a entitled “Minority representation”.

\(^{248}\) 2021 modification and recodification of 2011 Charter section 7-1. F.

\(^{249}\) 2021 modification and recodification of 2011 Charter section 7-1. G.

\(^{250}\) Charter Revision of 2011.

\(^{251}\) NEW (2021).
foregoing, in the event the Mayor fails to announce and submit to the Legislative Council a candidate for reappointment or replacement, in the event of a vacancy, on said Board or Commission:

(a) within ninety (90) Days following the end of the term of the member or the Effective Date of the Vacancy (in accordance with the records of the Town Clerk), whichever is applicable, during the first six (6) months of the Mayor’s first term of office; or,

(b) within sixty (60) Days following the end of the term of the member or the Effective Date of the Vacancy (in accordance with the records of the Town Clerk), whichever is applicable, during the remainder of the Mayor’s term of office;

(c) within thirty (30) Days following the rejection of a Mayoral appointment by the Legislative Council.

then the Legislative Council shall, on its own motion, make said reappointment.

(2) Legislative Council Appointment Authority252. Upon the failure of the Mayor to recommend an appointment as set forth in §7-1.C (1), above, the Legislative Council shall have the authority to reappoint or appoint a member to a Vacancy, whichever is applicable, by a Majority Vote of the Legislative Council. The Legislative Council shall take such action within sixty (60) Days after the date the Mayor fails to take action.

(3) Lapse of Legislative Council Authority253. In the event the Legislative Council fails to fill the Vacancy during the sixty (60) Day period, then the remaining members of the Board or Commission for which a term has lapsed or a vacancy exists shall, by vote of a majority of the members present and voting, fill the position; subject to the right of rejection by a Majority Vote of the Legislative Council within thirty (30) Day of said vote. Said appointments are subject to the requirements of the General Statutes pertaining to minority party representation and other applicable provisions of this Charter.

(4) Limitations of Service254. No person shall be appointed to a term on any Board or Commission if at the time of the commencement of such new term such person shall have served twelve (12) consecutive years on such Board or Commission or, if during the subsequent term, said appointment would result in service in excess of said limitation of service. This limitation of service shall be applied to members of Boards and Commissions serving at the effective date of this provision. Moreover, the time served by a person filling a partial term shall be counted toward the limitation of service. Any person whose term ends due to this provision may be reappointed to such Board or Commission.

252 NEW (2021).
253 NEW (2021).
254 NEW (2021).
Transition Provision: The transition shall commence upon the Effective date of the revised charter as set forth in §11-6 of this Charter. Any member of a Board or Commission having served twelve (12) consecutive years as the Effective Date shall remain an at-large voting member of the Board or Commission until the conclusion of the current term of office or each member covered by this provision. During this transition the number of members of the Board of Commission shall be adjusted in to accommodate the at-large members.

D. Vacancy255. 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 (subject to the provisions of §7-1.C of this Charter), for the unexpired portion of the term, as set forth in this Charter.

(1) Resignation: Notice to the Town Clerk256. The effective date of a Vacancy caused by resignation shall be the date said written resignation is received by the Town Clerk. A resignation may be effectuated if an oral statement is made on the record of the Board or Commission and the approved minutes of said meeting are transmitted to the Town Clerk by the Chair.

(2) Effective Date257. The effective date of said resignation shall be the date of receipt by the Town Clerk.

(3) Notice to the Mayor258. The Town Clerk shall forthwith send notice of any Vacancy to the Mayor and the President and Clerk of the Legislative Council within twenty-four (24) hours of receipt or knowledge.

E. Removal259. 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, as defined by Ordinance or the rules of the Board or Commission which shall be so adopted260; (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.

F. Residency Requirement261. 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.

(1) **District Representation**\(^{262}\). In the event a person is appointed as a district representative to a Board or Commission, the member shall serve as long as they remain a resident of the district they represent. If the member moves from the district, such person’s membership on such Board or Commission shall be immediately terminated. In the event a member is removed from the district following reapportionment under §3-7 of this Charter, the member may continue to represent the district on said Board or Commission for the remainder of the term of office.

(2) **Notice to the Town Clerk**\(^{263}\). In the event the member moves from the Town or district, the member shall immediately notify the Town Clerk in writing. In the alternative, the Chair of the Board or Commission shall transmit to the Town Clerk the minutes if the member placed their residency status on the record of the Board or Commission. In the latter case, the Town Clerk shall attempt to verify the record.

G. **Representation on Boards and Commissions**\(^{264}\). The Mayor and other appointing authorities are required to consider appointments to ensure that, to the fullest extent possible, the composition of Boards and Commission reflect the diversity of the residents and the geographic areas of the Town.

(1) **Diversity.** Boards and Commissions should reflect the diversity, including the race, color, ethnicity, religious creed, age, sex, national origin, ancestry, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability and cultural make-up of the Town in order to achieve a representative balance of its residents.

(2) **Geographical Areas of the Town.** Hamden is committed to ensuring fair representation of all voting districts on local boards and commissions. The Boards and Commissions of the Town should include balanced representation from throughout the Town. Accordingly, no Board or Commission should be comprised of more than one member from the same Legislative Council District. This Charter may establish some Boards and Commissions on the basis of the Legislative Council Districts; however, in all cases each portion of Town shall have fair share representation via total membership on all Boards and Commissions. This shall be managed centrally through the Town Clerk’s office. The Legislative Council may create or modify the composition of any Board or Commission as set forth in §7-1.B(1)(b) of this Charter.
(3) **Backgrounds.** Of equal weight with the foregoing requirements, the Mayor and other appointing authorities are obligated to take into consideration a diversity of backgrounds, life experience, expertise, as well as personal integrity and a commitment to ensuring an ethical and transparent local government.

The Mayor and Legislative Council, when examining new candidates for appointment to Boards and Commissions are required to give due consideration to recommendations made by representatives of Outreach Organizations as set forth in §7-1. K (2) of this Charter and other similar organizations.

H. **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, other Boards or Commissions of finite duration or appointment as a representative of the Town on regional entities. 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.

I. **Restrictions Pertaining to Members of the Civil Service Commission, Finance Commission, Board of Ethics and Police Commission.** No person who has served in the previous two (2) years as a Public Official, other than a member of the Boards or Commissions set forth in this sub-section, or a political party officer, shall be appointed to membership on the Civil Service Commission, Finance Commission, Board of Ethics or Police 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. **Administration of Boards and Commissions: The Role of the Town Clerk.** The Town Clerk shall be the filing repository of interested applicants to Boards & Commissions and shall notify the Mayor’s office, shall post all agendas & minutes of

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265 Charter Revision of 2011.
266 NEW (2021)
267 2021 modification of 2011 Charter section 7-1. I.
269 Charter Revision of 2011.
270 "Official" replaces "officer".
271 "Department" includes the deleted term “…or agency…”.
Boards & Commissions in the office of the Town Clerk, shall notify the Mayor and Council President of all noticed vacancies on Boards & Commissions, shall swear in all approved appointing authority appointments, and shall record all approved appointments & sworn oaths in the Town Meeting Book as required in the Connecticut General Statutes. The Mayor’s office shall maintain records of incumbency of Boards and Commission by list and shall be responsible for notifying the Legislative Council of a vacancy or when a term of a member is to expire, (three (3) months prior to the end of the term.)

(1) Publication of Boards and Commissions: Applicant Pool

During the months of May and 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 and, an updated list of all the Boards and Commissions of the Town, for the purpose of creating an applicant pool.

In addition, when a term is reaching its terminus date or a Vacancy occurs on any appointed Town Board or Commission, the Mayor shall provide Public Notice that such position is subject to appointment, at least two (2) weeks prior to filling of the position. The Mayor shall publish or post, as the case may be, such notice (1) on the Town web-site and other electronic media, including social media and other methods of reaching the public; (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.

(a) 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 and a list of all candidates for the position to the Mayor or other such appointing authority who shall retain such correspondence on file for two (2) years.

(b) The Mayor shall invite the Electors of the Town who are interested in serving to apply by submitting their name, address and qualifications, in writing, for membership on such Board or Commission to

[Footnotes:

273 Modification of 2011 Charter section 7-1. K.
274 See, C.G.S. §7-193(b).
275 Recodification and modification of 2011 section 5-4 entitled “Appointments to Boards or Commissions” which modified 1983 Charter section 5-5 by adding the following: “In addition to the requirement set forth in §7-1. L of this Charter, the Town Clerk shall publish such notice on the Town web-site, in a conspicuous location available to the public in the office of such Town Clerk and, if practicable, in a newspaper available to residents of the Town”. See also, modification of 1983 Charter section 5-5 (first sentence).
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. Moreover, the appointing authority of any member of any Board or Commission shall review such notices prior to making the appointment to such Board.

(2) Additional Public Outreach. In addition to the publication requirements of this section, the Mayor and the Town Clerk shall engage in outreach efforts, including, but not limited to the following in order to solicit candidates for positions on Boards and Commissions: political, religious, community-based, social, mutual benefit organizations, civic and business organizations.

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

A. Finance Commission.

(1) Establishment. There shall be a Finance Commission which shall have the authority to exercise the powers and duties exclusively set forth in this in this Charter and Ordinances and such incidental powers as may be reasonably necessary to enable it to investigate and determine those matters of fiscal policy of the Town as are within its direct jurisdiction and responsibility. Said responsibilities shall include:

(a) Budget Preparation and Oversight. Reviewing the Proposed Town Budget and making its recommendations to the Legislative Council as set forth in Chapter X of this Charter pertaining to financial efficacy and soundness as well as compliance with Laws, procedures, contractual and fiduciary obligations as well as best practices and standards in public finance as set forth in Law, this Charter and as set forth in §7-2.C of this Charter (“Best Practices”). The Commission is further required to maintain continued oversight over budget implementation and management during the course of the fiscal year in cooperation with the Legislative Council, in furtherance of the Council’s role as the budget-making authority of the Town.

(b) Reporting Function. Conducting monthly meetings and quarterly budget review meetings and preparing a comprehensive annual...
financial report for the fiscal year

(c) Collective Bargaining Agreements. The Mayor and Board of Education are required to keep the Commission informed of the status and fiscal impact of collective bargaining negotiations, throughout the negotiating process and prior to completion of final negotiations on any collective bargaining agreement or any memorandum of understanding or agreement pertaining to a collective bargaining agreement or any provisions thereof, the Finance Commission shall render an advisory opinion to the Mayor and the Board of Education, as the case may be, of the total cost and potential long-term tax burden as set forth in the tentative agreement. Prior to final statutory action on the collective bargaining agreement, the Commission shall, in turn, shall render an advisory opinion to the Mayor, Legislative Council and Board of Education of the total cost and potential long-term tax burden of said agreements. The Mayor and Board of Education shall transmit the tentative agreement to the Legislative Council and the finance Commission within two (2) business days of completion.

(d) Pensions. The Mayor and the Finance Commission are required to propose a funding policy to ensure that defined benefit pensions and Other Post-Employment Benefits ("OPEB") are properly measured, reported and funded in accordance with contractual obligations, Best Practices and Law.

(e) Long-term Financial Planning. The Finance Commission shall regularly (although not less than every two years) engage in long-term financial planning that takes into account the next five to ten years in the future and shall further consider the financial effects of the Town’s plan of conservation and development ("POCD") as required by the General Statutes. A report on said planning effort shall be transmitted to the Mayor and Legislative Council, which shall take the Plan into account during budget deliberations. The Legislative Council may establish a regular schedule for such planning by Ordinance.

(f) Standards and Policies. The Finance Commission shall, from time to time, issue recommended policies and standards governing the Best Practices for the financial operations of the Town.

(2) Appointment and Membership. The Commission shall consist of five (5) members, 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 two (2) members and the President of the Legislative Council shall appoint three (3) members for a term of six (6) years commencing on the 1st Day of January of the year of...
appointment (subject to the transition provision, below). All appointments shall be subject to approval by a Majority Vote of the Legislative Council. The terms shall be staggered as established at the date of the original appointment.

(i) Transition Provision Pertaining to the Initial Appointment of Members to the Finance Commission. The Mayor and President of the Legislative Council shall each appoint one (1) member to a term of six (6) years commencing on the 1st Day of January 2022. The Mayor and President of the Legislative Council shall each appoint one (1) member to a term of five (5) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2027. The President of the Legislative Council shall appoint one (1) member to a term of four (4) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2026. Following the initial appointments, the term of office shall be uniformly applied.

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

(c) Restrictions. Said Commission members shall be subject to the provision of §7-1. I of this Charter.

(d) Selection of Officers. The Commission shall elect a Chair, Vice Chair and such other officers as it deems necessary.

(e) Ex Officio Members. The following non-voting ex-officio members shall be appointed to the Commission as follows: (i) a public official or municipal employee representing the Mayor, designated by the Mayor; (ii) a representative of the Board of Education, designated by a majority vote of said Board; and, (iii) the Chair of the Legislative Council committee of jurisdiction over the budget or a member of said committee designated by the Chair. The provisions of §7-2A(2)(c) of this Charter shall not apply to said ex-officio members.

(f) Qualifications. Members of the Commission shall have professional or business experience in the fields of accounting, management or financial analysis as evidenced by being a certified public accountant, certified management accountant or having earned a degree in business, finance or public administration or the equivalent thereof from an accredited college or university; or, at least five (5) years of experience as an owner or manager or financial officer of a business or public or nonprofit administrator or such other qualifications as may be further defined by Ordinance. In addition to these requirements the Mayor and President of the Legislative Council are required to comply with the requirements of §7-1. G of this Charter.
(g) **Adherence to Best Practices and Standards.** In order to manifest and exemplify the highest standards of conduct and best municipal finance and budgeting practices, members are required to engage in training sessions offered by the Government Finance Officers Association, the National League of Cities, United States Conference of Mayors, Connecticut Conference of Municipalities, their successor organizations or other similar organizations. In the event such training programs are not available, the Town shall support and fund mandatory training for the members and programs shall be recommended by the Director of Finance. Said training shall occur not later than six (6) months following confirmation to the Commission by the Legislative Council, prior the commencement of a new term and at the commencement of the third year of the term. Failure to participate in training sessions constitutes grounds for removal from the Finance Commission.

B. **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) members and one (1) alternate, 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) **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

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288 Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: “Within thirty days after such official determination, the chief executive officer of such political subdivision shall appoint three persons as civil service Commissioners to hold office, one for two years, one for four years and one for six years, and until their respective successors are appointed and have qualified, which Commissioners shall constitute the civil service board; and, biennially thereafter, such chief executive officer shall appoint one Commissioner to serve for six years and until his successor is appointed and has qualified”.
289 Modification of 1983 Charter section 17-4 (third sentence), which reads as follows: “The Executive Secretary of the Commission shall serve as the Personnel Director of the Town”.
290 See, C.G.S. §7-410 entitled “Civil service board; president; chief examiner”.

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for personnel and human resources may be appointed to serve as the chief examiner.

(b) **Term**\(^{291}\). The Mayor shall appoint members for a term of six (6) years, commencing on the 1st 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) **Term of Alternate Member**\(^{292}\). The Mayor shall appoint the alternate for a term of two (2) years, on the 1st Day of January of the year of appointment.

(d) **Assignment of Alternate Member**\(^{293}\). If a regular member of the Board is absent or is disqualified, the Chair of the Commission shall designate an alternate to so act.

(e) **Oath of Office**\(^{294}\). Said Commission members shall take the oath prescribed by the General Statutes.

(f) **Minority Party Representation**\(^{295}\). Said Commission members shall be subject to the requirements of the General Statutes pertaining to civil service boards.

(g) **Restrictions**\(^{296}\). Said Commission members shall be subject to the restrictions set forth in the General Statutes and this Charter.

(h) **Removal**\(^{297}\). 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.

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\(^{291}\) Charter Revision of 2011. See, In re - C.G.S. §7-408, above.

\(^{292}\) NEW (2021).

\(^{293}\) NEW (2021).

\(^{294}\) Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: “...Each Commissioner, before entering upon the duties of his office, shall take the oath prescribed for executive officers...”.

\(^{295}\) Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: “...All appointments to said Board, both original and to fill vacancies, shall be made that not more than two members shall, at the time of appointment, be members of the same political party...”.

\(^{296}\) NEW (Charter Revision of 2011). See, C.G.S. §7-408, in pertinent part, as follows: “…and no such Commissioner shall, during his term of office, hold any other lucrative office or employment under the United States or the state or any political subdivision thereof having employees classified under the provisions of this part”.

\(^{297}\) Charter Revision of 2011. See, C.G.S. §7-408, in pertinent part, as follows: “…The chief executive officer may remove any Commissioner appointed by him, for lack of moral character, incompetency, neglect of duty, malfeasance or partisan activity while in office, but he shall, at the same time, file with the clerk of the superior court for the appropriate judicial district a report, in writing, of such removal, with his reasons therefor. In case of any vacancy, the unexpired portion of the term shall be filled by appointment by such chief executive officer...”.

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(3) **Merit System Ordinance** 298. 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.

C. **Board of Ethics** 300.

(1) **Establishment** 301. There shall be a Board of Ethics 302, 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 303, and to investigate 304, render probable cause findings 305 and conduct hearings 306 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 307. 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 308.

(a) **Subpoena Authority** 309. 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 309. The Board shall choose a chair and such other officers as it may desire 310.

(a) Term of Members 311. The Mayor shall appoint a member(s) for a term of five (5) years, commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (Historical Note: See, §11-9 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983).

(i) Term of Alternate Members 312. The Mayor shall appoint alternates for a term of two (2) years, on the 1st 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 313. If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act 314.

(c) Qualifications 315. In addition to the general requirements of statute, law and this Charter, the Mayor is required to comply with the requirements of §7-1.G of this Charter. The Legislative Council may establish other qualifications by Ordinance. In order to manifest and exemplify the highest standards of conduct, members are required to engage in a training session offered by the Connecticut Office of State Ethics or a successor agency (or, in the event such training program is not available, the Town shall provide mandatory training for the members), immediately following confirmation to the Board by the Legislative Council and at the commencement of any subsequent term thereon. Failure to participate in training sessions constitutes grounds for removal from the Board of Ethics.

310 NEW (Charter Revision of 2011). See, C.G.S. §7-408.
311 Modification of 1983 Charter section 19-5. A (first paragraph, fifth and seventh sentences). The revision deletes language regarding “compensation” since it is addressed generally in Section 7-1.G.
314 Modification of the following language in 1983 Charter section 19-5. A (first paragraph, first sentence): “…no more than three (3) of whom shall be members of the same political party”.
315 NEW (2021)
(d) **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.

(e) **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.

(f) **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;

(ii) confidentiality of complaints.

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316 Modification of 1983 Charter section 19-5. A (first paragraph, second and third sentences) by removing the term “elected”.
318 NEW (Charter Revision of 2011).
319 NEW (Charter Revision of 2011).
320 NEW (Charter Revision of 2011).
321 Modification of 1983 Charter section 19-5. B.2.a. See, C.G.S. §7-148h(a), in pertinent part, as follows: “The provisions of subsections (a) to (e), inclusive, of section 1-82a shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause…”.
322 Modification of 1983 Charter section 19-5. B.2.a (second sentence). See, C.G.S. §1-82a. “Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings (a) Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part or section 1-101nn shall be confidential except upon the request of the respondent. An evaluation of a possible violation of this part or section 1-101nn by the Office of State Ethics prior to the filing of a complaint shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the Office of State Ethics shall not be disclosed to any third party by a subject of the evaluation, except upon the request of the subject of the evaluation or the Office of State Ethics and only at such time as the subject of the evaluation or the Office of State Ethics determines in writing that it is necessary to disseminate such information in the course of such evaluation. A final report of findings shall be made only upon the request of the subject of the evaluation or the Office of State Ethics and only at such time as the subject of the evaluation or the Office of State Ethics determines in writing that it is necessary to disseminate such information in the course of such evaluation.”
(iii) investigations\textsuperscript{323};

(iv) the conduct of hearings\textsuperscript{324};

(v) informing the complainant and respondent of findings\textsuperscript{325};

(vi) continuing confidentiality in the event of a finding of no probable cause\textsuperscript{326}; and,

(vii) public disclosure of a finding of probable cause\textsuperscript{327}.

Moreover, the Ordinance shall include a provision pertaining

\textsuperscript{323} Modification of 1983 Charter section 19-5. B.2.a. See, C.G.S. §1-82a. “Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings…(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics.”

\textsuperscript{324} Modification of 1983 Charter section 19-5. B.2.b.

\textsuperscript{325} Charter Revision of 2011. See, C.G.S. §1-82a. “Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings…(c) Not later than three business days after the termination of the investigation, the Office of State Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish its finding upon the respondent’s request and may also publish a summary of its reasons for making such finding”.

\textsuperscript{326} Charter Revision of 2011. See, C.G.S. §1-82a. “Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings…(d) If a judge trial referee makes a finding of no probable cause, the complaint and the record of the Office of State Ethics’ investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish the judge trial referee’s finding and a summary of the judge trial referee’s reasons therefore”.

\textsuperscript{327} Charter Revision of 2011. See, C.G.S. §1-82a. “Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings…(e) The judge trial referee shall make public a finding of probable cause not later than five business days after any such finding. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section 4-177. Any such stipulation agreement or settlement shall be approved by a majority of those members present and voting.”
(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 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.

328 Charter Revision of 2011.
329 Charter Revision of 2011.
330 Modification of 1983 Charter section 19-5. C.
331 “Official” replaces “officer”.
332 “Appointed Public Official” replaces “appointed officer”.
333 Modification of 1983 Charter section 19-5. D by removing the appeal to the Superior Court. It is not clear what statutory basis exists for such appeal.
334 “Public Official” replaces “elected or appointed officer”.

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D. Police Commission

(1) Establishment: Police Department Operations and Traffic Authority. There shall be a Police Commission which shall have the authority to exercise the powers, duties and authority exclusively set forth in this Charter and Ordinances and such incidental powers as may be necessary to enable it to review, render decisions and approve or disapprove policies and regulations necessary for the effective operation of the Police Department, including operational review and investigatory authority over all personnel (sworn and civilian) in order to meet the public safety needs of the Town, as set forth in and permitted or required by Law, this Charter and Ordinances of the Town. Moreover, the Commission shall serve as the Traffic Authority in accordance with the requirements of Law.

(2) Functions of the Commission. For the purposes of serving the public interest as set forth in §7-1.A of this Charter and meeting the requirements of the General Statutes, including but not limited to the Municipal Employee Relations Act, this Charter, any applicable Ordinances, the responsibilities of the Commission shall include:

(a) Purpose. The role of the Hamden Police Commission does not administer the day-to-day operations of the Police Department; but rather to provide civilian oversight of the same in order to ensure: (i) The creation of a platform for residents and civilians to speak and attain greater understanding of public safety and law enforcement through dialogue and interaction; (ii) The safety and security of the Town, its citizens and guests; (iii) The Improvement of Department policies and procedures in order to operate in an effective and ethical manner; (iv) The goals and objectives of the Department are accomplished and that broader policy measures of the Town that could address public safety and crime reduction are developed; (v) Liability management to reduce the likelihood of costly litigation by identifying problems and proposing corrective measures; (vi) Policies to that promote accountability by the Police Commission, Chief of Police and all Police Department employees to the citizens of Hamden; and, (vii) Adequate resources and utilization of best practices to eliminate misconduct, reduce high profile incidents and to provide Department employees with a safe and accountable working environment.

(b) Community Collaboration, Outreach and Interaction. Promulgation of policies that are reflective of community values, which reduce practices that result in disparate impacts on various segments of the community. The Commission will proactively develop policies and recommendations with public input, including surveys, and work with the...
Chief to implement the same transparently in order to establish credibility throughout the Town and within the neighborhoods through a continuous iterative trust building process utilizing baselines and metrics to measure progress:

(i) **Public Comment**\(^{339}\). In furtherance of its oversight and general management function the Commission shall undertake efforts to maintain an open and transparent process designed to both inform the Commission of the needs of the public and to inform the public of the work of the Commission and foster community engagement, in accordance with the legal obligations of the Commission. Public comment sessions on agenda items shall be scheduled at the opening of each meeting of the Commission in order to create greater public accountability and legitimacy through access and visibility; subject to the provisions of §7-1.B(7)(b)(iii) of this Charter. Additionally, the Commission shall establish an accessible and transparent mechanism for the public to regularly communicate and provide input into the work of the Commission, unless restricted by Law or contract.

(ii) **Consultations with the Mayor and Chief of Police**\(^{340}\). The Commission shall confer with and advise the Mayor and the Chief of Police with respect to the general management and oversight of the Police Department.

(iii) **Civilian Review and Outreach**\(^{341}\). The Commission shall interact with any other Town Boards or Commissions formed to address civilian review and strategic planning; and, furthermore, may act as a Civilian Review Board with the authority to issue subpoenas, if so designated by Ordinance. Moreover, the Commission is authorized to establish citizen advisory groups to function as liaisons between the Commission, Department and the community in order to address community issues, including but not limited to poverty, unemployment, breakdown of community cohesion.

(c) **Oversight and General Management**\(^{342}\). Provide oversight, control, governance, and supervision of the general

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\(^{339}\) NEW (2021).


\(^{341}\) NEW (2021).

\(^{342}\) Recodification and modification of the following clause of 2011 Charter section 7-2.C (1): “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.”

\(^{343}\) NEW (2021) (“control”).

\(^{344}\) NEW (2021) (“governance”).

\(^{345}\) NEW (2021) (“supervision”).
management (including operations) of the Police Department of the Town and the equipment used by the members of the Department\textsuperscript{346}. The Commission shall ensure the utilization of best practices in public safety and policing across all operational units of the Department\textsuperscript{347}.

(i) Information Sharing and Transparency\textsuperscript{348}. The Commission and the Chief of Police shall develop, propose and implement technologies to provide the public with real-time public safety information sharing and transparency of information in accordance with Law and contract. Information sharing shall be a foundation for the development of policies and strategies in the Town and especially in neighborhoods disproportionately affected by crime. Information sharing should include readily accessible data pertinent to the composition of the Police Department, such as race, gender, age and other relevant demographic data, disposition of civilian and departmental complaints, crime and response statistics by neighborhood as well as community policing and other efforts to engage the community. The Commission shall regularly analyze crime and incidence data, trends in best practice of policing, public safety and law enforcement and solicit input from Hamden residents in order to inform policing policy and practice and the effective management of police services in the Town\textsuperscript{349}.

(ii) Electronic Access to the Police Commission\textsuperscript{350}. Moreover, members of the public shall have electronic access to the Police Commission in accordance with §7-1.B(7)(b)(iii) of this Charter.

(d) Policies, Rules and Regulations\textsuperscript{351}. Approval or disapproval of the policies, rules and regulations proposed by the Chief of Police as set forth in §8-5.A (4) of this Charter\textsuperscript{352}. In addition, the Commission may, upon its own motion, initiate all necessary policies, rules and regulations pertaining to the general management and oversight of the

\textsuperscript{346} NEW (Charter Revision of 2011). The Charter cites C.G.S. § 7-276. Powers of Commissioners as a point of reference: “Such boards [established by ordinance] shall have all of the powers given by the general statutes to boards of police Commissioners, shall have general management and supervision of the police department of such town and of the property and equipment used in connection therewith”.

\textsuperscript{347} NEW (2021).

\textsuperscript{348} NEW (2021).

\textsuperscript{349} NEW (2021).

\textsuperscript{350} NEW (2021).

\textsuperscript{351} Recodification and modification of the following clause of 2011 Charter section 7-2.C (1): “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.”

\textsuperscript{352} NEW (Charter Revision of 2011). Again citing C.G.S. § 7-276. “Such boards...shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department”.

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Department and the provision of public safety of the Town by all Department personnel, following review, inquiry and due diligence in consultation with the Chief353. Said policies, rules and regulations shall be printed and made available to the public354. Notwithstanding the foregoing, the policies, rules and regulations of the Commission shall be in (i) furtherance of best practices in in the policing, public safety and law enforcement; and (ii) compliance with the requirements of Law and any applicable regulatory authority.

(e) **Budget Review.** Review and comment on the annual budget request of the Police Department prior to its submission to the Mayor355. In particular, the Commission shall work with the Chief of Police to review analyze the projected overtime in order to assess and report the amount required to meet contractual provisions of collective bargaining agreements (and other agreements relating thereto) pertaining to minimum mandatory workforce requirements as opposed to expenditures related direct public services356.

(f) **Collective Bargaining.** 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.

(g) **Personnel.** The sole power to appoint, promote and remove all sworn personnel, including officers, of the Police Department under such regulations as it adopts for that purpose357; utilizing the services of the Director of Personnel358.

(i) **Recruitment**359. Working with the Director of Personnel and the Civil Service Commission, the Commission and the Chief of Police should develop recruitment strategies to focus on (1) critical skills, including interpersonal and communications; (2) educational background, level and achievement; (3) prior employment history and contact with the criminal justice system; (4)

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353 NEW (2021).
355 Recodification and modification of 2011 Charter section 7-2.C(3)(b) which modified 1983 Charter section 10-3 (first paragraph, fourth sentence) by adding the term "and comment on...".
356 NEW (2021) (Final clause)
357 Recodification and modification of 2011 Charter section 7-2.C(3)(c) which modified 1983 Charter section 10-3 (second paragraph, first sentence) by adding the term "sole" and the clause "remove officers and members of the police department under such regulations as it adopts for that purpose" as set forth in C.G.S. § 7-276. "Such board...shall have the sole power of appointment, promotion and removal of the officers and members of such police department, under such regulations as it adopts for the purpose”.
358 NEW (2021).
359 NEW (2021).
psychological testing and assessment; (5) residency in the Town and if legally permissible incentives; and, (6) diversity.

(ii) Training\(^{360}\). Working with the Chief of Police the Commission should align police training and recruitment practices with demonstrated needs of communities and the best practices in the field. Training should focus on, but not be limited to, interpersonal skills, active listening and effective communication strategies, community interactions and problem-solving principles, bias awareness, trauma informed strategies, responding to persons experiencing a mental health crisis, overdose prevention, scenario-based situation decision-making, de-escalation strategies, crisis intervention, language and cultural responsiveness.

(iii) Appointment\(^{361}\). Said power to appoint personnel shall be exercised, by majority vote of the Commission, present and voting, in accordance with the certification rule\(^{362}\) governing the selection of candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations\(^{363}\) of the Civil Service Commission\(^{364}\) and Law.

(iv) Promotion\(^{365}\). Said power to promote personnel shall be exercised, by majority vote of the Commission, present and voting, in accordance with the certification rule\(^{366}\) governing the selection of candidates on any applicable Merit System eligibility list promulgated under civil service rules and regulations\(^{367}\) of the Civil Service Commission\(^{368}\) and consistent with Law and the provisions of the applicable collective bargaining agreement\(^{369}\).

\(^{360}\) NEW (2021).

\(^{361}\) Recodification and modification of 2011 Charter section 7-2.C(3)(c)(i) (deletion of “promote”)

\(^{362}\) Note: The applicable rule at the time of adoption of this amendment in 2021 was the “Rule of Three;” in other words, the “top three (3) candidates.”

\(^{363}\) Modification of 1983 Charter section 10-3 (second paragraph, first sentence), by using the following in lieu of the term “Civil Service”: “…Merit System eligibility list promulgated under civil service rules and regulations”.

\(^{364}\) NEW (2021).

\(^{365}\) Recodification and modification of 2011 Charter section 7-2.C(3)(c)(i) (deletion of “appoint”)

\(^{366}\) Note: The applicable rule at the time of adoption of this amendment in 2021 was the “Rule of Three;” in other words, the “top three (3) candidates.”

\(^{367}\) Modification of 1983 Charter section 10-3 (second paragraph, first sentence), by using the following in lieu of the term “Civil Service”: “…Merit System eligibility list promulgated under civil service rules and regulations”.

\(^{368}\) NEW (2021).

\(^{369}\) NEW (2021) (“…and law, including provisions of any applicable collective bargaining agreement.”). At the time of adoption promotions are further governed by Article 36 of the “Tentative Agreement between the Town of Hamden and UPSEU / COPS, LOCAL 062 (The Hamden Police Department), effective July 1, 2014 - June 30, 2022 ("2014 – 2022 CBA").

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(v) Removal. Said power to remove shall be in accordance with the provisions of this Charter and Law, including provisions of any applicable collective bargaining agreement.

(vi) Recommendation of the Chief of Police. With regard to the power to appoint, promote and remove the sworn personnel, including officers, of the Police Department, the Chief of Police shall provide a recommendation to the Commission. Other non-sworn personnel of the Department shall be subject to the authority of the Chief in accordance with the Merit System and Personnel and Human Resources polices of the Town as well as any applicable collective bargaining agreements.

(h) Complaints: Discipline, Discharge and Removal. 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:

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

(ii) any civilian by reason of any alleged misconduct or malfeasance or other violations of Law and the policies, rules and regulations of the Department of any member of the Police Department, in accordance with the provisions of an Ordinance and/or regulations governing departmental and civilian complaints and appeals as may be promulgated by the Police Commission in accordance with Law and any applicable provision of a collective bargaining agreement.

As a party to any proceeding or hearing, any member of the Police Department may be represented by counsel. All complaints shall be

370 Recodification and modification of 2011 Charter section 7-2.C(3)(c)(ii)
372 NEW (2021) (final clause).
374 Recodification and modification of 2011 Charter section 7-2.C (4), which was approved in 2011. See, C.G.S. § 7-276 “...and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing”. At the time of adoption promotions are further governed by Article 36 of the 2014 – 2022 CBA
376 NEW (2021) (“civilian” replaces “citizen of the Town”).
378 Recodification and modification of 2011 Charter section 7-2.C (4) (first sentence of last
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transmitted to the members of the Commission by the Chief in accordance with applicable regulations. Procedures for civilian complaints shall permit complainants to file with the Commission only under circumstance set forth therein. 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.

(i) Audits. The Commission is authorized to conduct regular audits of police internal complaints and disciplinary processes and where necessary and permitted by Law, to conduct due diligence reviews, on its own motion. The Department share provide the Commission with actions taken in individual cases, stating the reasons for action or inaction. The Commission, where permitted by Law may issue reports to the public, at least annually, giving relevant data, including the types of complaints as well as information regarding the race and gender of complainants and the officer-respondent.

(j) Professional Services. While the Commission is an instrumentality of the executive departments of the Town and is obligated to comply with Law and any agreements pertaining to the Town, the Commission may retain any necessary professional services for advice on specific matters under their jurisdiction, following consultation with the Town Attorney. In furtherance of this authority, the annual Town Budget shall include a specific line-item appropriation for the Police Commission for said professional services in an amount equal to .004% percent of the approved general fund budget for the Police Department in the ensuing fiscal year.

(3) Appointment and Membership. The Commission shall consist of nine (9) Electors of the Town, one each selected from the Legislative Council Districts 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 completion of the transition terms paragraph, which modified 1983 Charter section 10-3 (third paragraph, third sentence)

380 NEW (2021)
381 NEW (2021)
382 Recodification and modification of 2011 Charter section 7-2.C (4) (second sentence of last paragraph), which modified The remainder of the section following the last footnote is 1983 Charter section 10-3 (third paragraph, fourth sentence).
384 NEW (2021).
385 Modification of 1983 Charter section 10-3 (first sentence).
386 Modification of 1st sentence Sec. 7-2.C (2).
388 In lieu of the following language in 1983 Charter section 10-3 (first paragraph, second sentence): “The Mayor shall during the month of December in odd-numbered years, appoint such Commissioners who shall serve for a term of two (2) years from January 1st following their

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set forth below the Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1st Day of January of the year of appointment.

(b) Transition Terms. The Mayor shall each appoint:

i. One member each from the 1st, 4th and 7th Legislative Council Districts to a term of three (3) years commencing on the 1st Day of January 2022 and thereafter to a term of three (3) years commencing on the 1st day of January 2025.

ii. One member each from the 2nd, 5th and 8th Legislative Council Districts to a term of two (2) years commencing on the 1st Day of January 2022 and thereafter to a term of three (3) years commencing on the 1st day of January 2024.

iii. One member each from the 3rd, 6th, and 9th Legislative Council Districts to a term of one (1) year commencing on the 1st Day of January 2022 and thereafter to a term of three (3) years commencing on the 1st day of January 2023.

(c) Qualifications. Members of the Commission shall have a variety of personal, business and professional experience, including any of the following fields: law, public policy, social work, psychology, mental health, law enforcement (although not in the HPD), community organizing, civil rights, and advocacy on behalf of (1) immigrant or undocumented people; people with disabilities and/or mental health disorders or (3) LGBTQ people. In addition to these requirements the Mayor and President of the Legislative Council are required to comply with the requirements of §7-1.G of this Charter. At least one (1) member of the Commission shall have experience with any of the following disciplines: the planning, design and permitting of traffic and transportation projects (including traffic analysis and impact), engineering, land development and infrastructure projects. No more than two (2) members shall be current or retired law enforcement officers or officials or immediate family of such member or official, as said term may be defined by the Board of Ethics, and no member or retired member of the Hamden Police Department shall be appointed to said Commission in order to avoid appearance or violation of the provisions of this Charter or Ordinances pertaining to conflict of interest.

(d) Adherence to Best Practices and Standards: Grounds for Removal. In order to manifest and exemplify the highest standards of appointment, and until their successors have been appointed and qualified.

389 Modification of the following language in 1983 Charter section 10-3 (first paragraph, first sentence): “…no more than three (3) of the members of such Commission shall belong to the same political party”.

390 NEW (2021)
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conduct and best public safety and police practices, members are required
to engage in training sessions offered by the Citizens’ Police Academy
operated by the Department or any successor program of the Department,
International Association of Chiefs of Police ("IACP"), Federal Law
Enforcement Training Center ("FLETC"), Office of Community Oriented
Policing Services, DOJ ("COPS"), National Association for Civilian
Oversight of Law Enforcement, the National League of Cities, United States
Conference of Mayors, Connecticut Conference of Municipalities ("CCM"),
Connecticut Interlocal Risk Management Agency ("CIRMA"), National
Alliance on Mental Illness ("NAMI") and the Council of State Governments
Justice Center, their successor organizations or other similar
organizations. In the event such training programs are not available, the
Town shall support and fund mandatory training for the members and other
programs recommended by the Chief of Police or by a majority vote of the
Commission present and voting. Said training shall not later than six (6)
months following confirmation to the Commission by the Legislative Council
and prior the commencement of a new term. Failure to participate in
training sessions constitutes grounds for removal from the Police
Commission.

E. Fire Commission391.

(1) Establishment392. 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 Charter393.

(2) Appointment and Membership394. 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) Term395. 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 1st Day of January of the year of
appointment396.

392 Charter Revision of 2011.
393 Charter Revision of 2011.
395 In lieu of the following language in 1983 Charter section 10-9 (first paragraph, second sentence):
"The Mayor shall during the month of December in odd-numbered years, shall appoint such
Commissioners who shall serve for a term of two (2) years from January 1st following their
appointment, and until their successors have been appointed and qualified.
396 Modification of the following language in 1983 Charter section 10-9 (first paragraph, first
sentence): "...provided that no more than three (3) of the members of such Commission shall

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(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.

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398 Modification of 1983 Charter section 10-9 (first paragraph, fourth sentence) by adding “and comment on...”.  
399 Modification of 1983 Charter section 10-9 (first paragraph, fifth sentence), by using the following in lieu of the term “Civil Service”: “...Merit System eligibility list promulgated under civil service rules and regulations”.  
400 Charter Revision of 2011.  
401 1983 Charter section 10-9 (first paragraph, sixth sentence).  
402 NEW (Charter Revision of 2011). See, C.G.S. §29-297 entitled “Appointment of local fire marshals, deputies and provisional fire marshals”.  
403 1983 Charter section 10-9 (second paragraph, first sentence).

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(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 Department404.

(c) Any member of the Department may be represented by counsel at any proceeding or hearing to which he is a party405.

(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 System406.

F. Zoning Board of Appeals407.

(1) Establishment408. 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 appeals409;

(b) To hear and decide all land use matters as may be permitted by law410; and,

(c) To determine and vary the application of the zoning bylaws, Ordinances or regulations in cases of exceptional difficulty or unusual hardship411.

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406 1983 Charter section 10-9 (second paragraph, fourth sentence). The term “Merit System” replaces the following clause: “…under the merit provisions of this Charter”.
407 Recodification of Charter section 7-2.E.
408 Modification of 1983 Charter section 13-3 (first and second sentences). Required by the General Statutes in all towns having zoning Commissions; see, the following footnotes.
409 Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. “(a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter…”.
410 Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. “(a) The zoning board of appeals shall have the following powers and duties: … (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and
411 Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. “(a) The zoning board of appeals shall have the following powers and duties: (3) to determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or anomalies.

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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 this §7-1.E of this Charter shall be confirmed in the form of an Ordinance.

(2) Appointment and Membership. The Board (comprised of five regular members and three 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.

unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed...".

Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(a) ...No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application...".

Charter Revision of 2011. See, C.G.S. §8-6. Powers and duties of board of appeals. "(b) Any variance granted by a zoning board of appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.".


See, C.G.S. §8-5. Zoning board of appeals. Alternate members. (a) “...The regular members and alternate members of such zoning board of appeals shall be electors...”.

Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. "(a) In each municipality having a zoning Commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as "the panel of alternates", shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members...".

Modification of 1983 Charter section 10-3; see also, C.G.S. §8-5(a) regarding selection of chair.

Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. "(a) Such board by vote of its regular members only shall elect a chairman from among its members, unless otherwise provided by special act, and all meetings of such board shall be held at the call of the chairman and at such other times as the board determines and shall be open to the public. Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record."
(a) **Term.** The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1st 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 1st 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 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.

G. **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.

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420 Charter Revision of 2011. See, C.G.S. §8-5a. “Designation of alternate members to act. If a regular member of a zoning board of appeals is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the chairman of the board shall designate an alternate from such panel, 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”. (1959, P.A. 146, S. 2; 1971, P.A. 763, S. 5.). History: 1971 act made no changes. Fact that minutes failed to show how or by whom alternates who participated in hearing were designated did not invalidate board’s action. 150 C. 539. Cited. 219 C. 352. Cited. 33 CA 281.

421 Modification of 1983 Charter section 13-3 by deleting the following: “…a bare majority of the regular members of which and a bare majority of the alternate members of which may be from the same political party.”

422 Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. “(a) …The regular members and alternate members of such zoning board of appeals…. shall not be members of the zoning Commission, any provision of any special act to the contrary notwithstanding...”.

423 Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. “(a) ...Any vacancy in such board, including any vacancy in the panel of alternates, unless otherwise provided by ordinance or special act, shall be filled for the unexpired portion of the term, by the board of selectmen of towns or the chief executive officer of cities and boroughs...”.

424 Recodification of Charter section 7-2.F.

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**Annex A: Annotated Charter**

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 of Hamden. The Commission shall operate in accordance with the terms of the special act in existence prior to the effective date of this Charter and shall have all powers and duties, not inconsistent with this Charter, as prescribed in Chapters 124 and 126 of the General Statutes as amended.

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426 Modification of 1983 Charter section 13-1 (fourth sentence): "(3) Such Commission shall operate in accordance with the terms of the special act in existence prior to the effective date of this Charter and shall have all powers and duties, not inconsistent with this Charter, as prescribed in Chapters 124 and 126 of the General Statutes as amended." According to the town Attorney and Counsel to the Commission there are no special acts. The Commission operates strictly under Title 8 of the General Statutes.

427 The Code of Ordinances validates the charter provisions in §§33.56 and 33.57. These provisions will need to be amended following adoption of the charter. See also, § 8-4a. Zoning or planning Commission may be designated as planning and zoning Commission as follows: "Any town, city or borough, unless otherwise provided by special act, may by ordinance or by vote of its legislative body designate its zoning Commission or its planning Commission as the planning and zoning Commission for such municipality, and such Commission shall thereupon have all the powers and duties of both a planning Commission and a zoning Commission and shall supersede any previous planning Commission or zoning Commission, as the case may be. Such vote shall establish the number of members to comprise such planning and zoning Commission, which number of members shall be five, six, seven, eight, nine or ten, not counting nonvoting members. In the establishment of a five-member planning and zoning Commission, the provisions of section 8-19 shall apply. In the establishment of a planning and zoning Commission with six or more members, the provisions of section 8-19 shall apply, except that the terms of office shall be so arranged that not more than three of such terms on a six-member Commission, four of such terms on a seven or an eight-member Commission, or five of such terms on a nine or ten-member Commission shall expire in any one year. Any public hearing conducted by a planning and zoning Commission with six or more members shall be held by the Commission or a committee thereof appointed for that purpose constituting a majority of the members of the Commission. Any combined planning and zoning Commission established under the general statutes prior to October 1, 1959, may continue to exist. Upon the establishment of a combined planning and zoning Commission, all regulations adopted by the planning Commission or the zoning Commission which were in effect prior to the establishment of such combined Commission shall continue in full force and effect until modified, repealed or superseded in accordance with the provisions of this chapter and chapter 126. A vacancy on such combined planning and zoning Commission shall be filled in a manner prescribed by the legislative body of such municipality."

428 Modification of 1983 Charter section 13-1 (first sentence) by deleting the following language: "...subject to the provisions of § 5-5 of this Charter and may be removed for cause...". The proposed charter addresses the issue of removal for cause in §7-1. H.

429 Modification of 1983 Charter section 13-2 by deleting the following language: "...In addition to the members appointed in 13-1 of this Chapter, the Mayor shall appoint subject to the provisions of § 5-5 of this Charter and may remove for cause, three (3) alternate members of the Planning and Zoning Commission no more than two (2) of whom shall be from the same political party and who shall act as alternates at hearings before the Planning and Zoning Commission. Initially, the Mayor shall appoint 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 all to take office February 1, 1966. Annually thereafter during the month of January, the Mayor shall appoint one (1) alternate member for a term of three (3) years." The proposed charter addresses the issue of removal for cause in §7-1. H.
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 1st 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 1st 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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430 Charter Revision of 2011. See, C.G.S. §8-5. Zoning board of appeals. Alternate members. “(a) In each municipality having a zoning Commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as “the panel of alternates”, shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members...”.


434 Modification of 1983 Charter sections 13-1 and 13-2 (first sentence) by deleting the following: “...no more than five (5) of whom (regular members) shall be from the same political party” and “...no more than two (2) of whom (alternate members) shall be from the same political party” and “...no more than two (2) of whom shall be from the same political party and act as alternates at hearings before the Planning and Zoning Commission”.

435 Modification of 1983 Charter section 13-1 (third sentence), by deleting the following: “no more than three (3) of whom, including the chairman, shall belong to the same political party” and stating that the Chair shall preside over both sections.”
H. 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 1st Day of January of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

I. 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 1st 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.

of the rules and regulations promulgated under this Chapter. They shall have such other duties and powers as may be prescribed by the Council.

446 See, C.G.S. § 7-422 entitled “Personnel appeals board. Appeal to Superior Court”, as follows: “Said board shall hear and determine any grievance, as defined in such ordinance, of any employee or group of employees of such town, city or borough. It 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 a representative of his choosing.”

447 See, C.G.S. § 7-422 entitled “Personnel appeals board. Appeal to Superior Court”.

448 Modification of 1983 Charter section 17-5 (first sentence) by deleting the following language: “…The Mayor shall appoint subject to the provisions of § 5-5 of this Charter and may remove for cause five (5) Electors of the Town to serve as a Personnel Appeals Board”. The proposed charter addresses the issue of removal for cause in §7-1.H.

449 NEW (Charter Revision of 2011). See, C.G.S. § 7-422, entitled “Personnel appeals board. Appeal to Superior Court”, as follows: “…Any town, city or borough may, by ordinance, create a personnel appeals board which shall consist of five members who shall be electors of such municipality, holding no salaried municipal office…”.

450 The following language from 1983 Charter section 17-5 was deleted: “Initially the Mayor shall appoint 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, all to take office February 1, 1966. Annually thereafter, during the month of January, one (1) member shall be appointed for a term of five (5) years”. See also, C.G.S. § 7-422, entitled “Personnel appeals board. Appeal to Superior Court” which permits the ordinance to fix the “…term of office and method of election or appointment… The terms of office shall be arranged so that not more than one of such terms shall expire in any one year. Vacancies shall be filled for the unexpired portion of the term in the manner fixed in the ordinance.”

451 1983 Charter section 17-5 (second and third sentences)

452 Charter Revision of 2011.

453 At the time of the consideration of the revised Charter, C.G.S. § 7-422, entitled “Personnel appeals board. Appeal to Superior Court” states that “Not more than three members shall be
(c) **Quorum**464. The quorum requirements shall conform to the requirements of the General Statutes455.

(3) The Board shall have such other duties and powers as may be prescribed by the Council456.

(4) **Statutory Appeal**457. The decisions of the Board may be appealed to the Superior Court as set forth in the General Statutes458.

### J. **Library Board**462.

(1) **Establishment**460. There shall be a Library Board461, 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**462. The Commission shall consist of nine (9) Electors of the Town, one each selected from the Legislative Council Districts 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**463. The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1st Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments464.
(i) Transition Provision Pertaining to the Appointment of Members to the Library Board. The Mayor shall each appoint:

i. One member each from the 1st and 3rd Legislative Council Districts to a term of five (5) years commencing on the 1st Day of February 2022 and thereafter to a term of five (5) years commencing on the 1st day of February 2027.

ii. One member from the 9th Legislative Council District to a term of one (1) year commencing on the 1st Day of February 2022 and thereafter to a term of five (5) years commencing on the 1st day of February 2023.

iii. One member from the 5th Legislative Council District to a term of five (5) years commencing on the 1st day of February 2023. The incumbent from the 5th Legislative Council District on the effective date of this Charter shall serve until the 31st day of January 2023.

iv. One member from the 4th Legislative Council Districts to a term of two (2) years commencing on the 1st Day of February 2022 and thereafter to a term of five (5) years commencing on the 1st day of February 2024.

v. One member from the 7th Legislative Council Districts to a term of five (5) years commencing on the 1st day of February 2024. The incumbent on the effective date of this Charter shall serve until the 31st day of January 2024.

vi. One member from the 8th Legislative Council Districts to a term of three (3) years commencing on the 1st Day of February 2022 and thereafter to a term of five (5) years commencing on the 1st day of February 2025.

vii. One member from the 6th Legislative Council Districts to a term of five (5) years commencing on the 1st day of February 2025. The incumbent on the effective date of this Charter shall serve until the 31st day of January 2025.

viii. One member from the 2nd Legislative Council Districts to a term of five (5) years commencing on the 1st day of February 2026. The incumbent on the effective date of this Charter shall serve until the 31st day of January 2026.
(3) **Administrative Functions**\(^{465}\). Such Board shall recommend appointment and removal of the Library Director to the Mayor in accordance with §§8-2A. and B of this Charter. Subject to the provisions of the Merit System, the Director shall appoint such other personnel as are necessary to administer the library system of the Town.\(^{466}\)

(4) **Adherence to Best Practices and Standards.** In order to manifest and exemplify the highest standards of conduct and best practices, not later than six (6) months following confirmation by the Legislative Council, newly appointed board members shall engage in an onboarding process, which includes training specific to the responsibilities of being a library trustee, orientation to library operations, and acclimatization with board processes and vision.

**K. Inland Wetlands Commission**\(^{467}\).

(1) **Establishment**\(^{468}\). 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.

(2) **Appointment and Membership.** The Commission shall consist of nine (9) members and three (3) alternates, 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 1st Day of May of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

(b) **Term of Alternate Member**\(^{469}\). The Mayor shall appoint the alternate for a term of two (2) years, on the 1st Day of January of the year of appointment.

(c) **Assignment of Alternate Member**\(^{470}\). If a regular member of the Board is absent or is disqualified, the Chair of the Commission shall designate an alternate to so act.

(d) **Ex-officio Members.** The Mayor and Town Planner shall serve as ex-officio members of the Commission, without vote. The


\(^{466}\) Modification of the second sentence of Charter section 7-2.I which modified 1983 Charter section 14-1 (sixth sentences).


\(^{468}\) Modification of current Ordinance §33.104

\(^{469}\) NEW (2021)

\(^{470}\) NEW (2021)
(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.\(^ {471}\)

L. Diversity, Equity and Inclusion Commission\(^ {472}\).

1. Establishment. There shall be a Diversity Equity, and Inclusion (DEI) Commission which shall have the task of shepherding equity for all residents of the Town particularly those who belong to marginalized and/or underserved communities, including the following protected classes as set forth by Law at the time of adoption of this Charter: Black and African American, Latino, Latina and Latinx, Indigenous and Native Americans, Asian Americans, Pacific Islanders, and other persons of color; members of religious minorities; LGBTQ+ persons; persons with disabilities; persons otherwise adversely affected by persistent poverty or inequality. The Town may modify the preceding enumeration by Ordinance, regulation or policy any including additional protected classes as may be covered by Laws pertaining to civil rights and discrimination.

2. Definitions. (a) The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life and/or other discrimination as determined by the Commission and/or local, state or federal law.\(^ {473}\)

3. Role of Commission. The DEI Commission will coordinate efforts to gain public input into and embed equity principles, policies, and approaches across all town policies, procedures and systems of the Town. The Commission shall provide assistance to the Mayor, Legislative Council and other Boards and Commissions with respect, but not limited, to the following issues: (i) housing; (ii) access to education; (iii) public health; (iv) law enforcement and civilian engagement; (v) redressing inequities and inequalities in the capital budget; (vi) supporting participation in Town commissions, boards and governance; and (vii) eliminating structural and institutional issues contributing to and concerning inequity and inequality.\(^ {474}\) As such, the Commission shall:

\(^{471}\) At the time of the adoption of this Charter the pertinent provisions of the General Statutes are C.G.S. §§22a-36 through 22a-45.

\(^{472}\) NEW (2021).


(a) systematically review and provide recommendations relating to Town policies, procedures and budgetary and fiscal items as they impact equity in the town of Hamden;

(b) coordinate with and support all Town commissions, agencies and the Legislative Council in the development and execution of diversity, equity, and inclusion initiatives within the framework of local, state and federal law;

(c) provide regular reports to the Mayor and Legislative Council on significant developments in the diversity, equity, and inclusion commission and related activities;

(d) support of the other Town Commissions in identifying, coordinating and addressing issues related to equity;

(e) research, recommend structure and oversee the Diversity, Equity and Inclusion Fund as established by ordinance; and

(f) other duties as defined by Ordinance.

(4) Appointment and Membership. The Commission shall consist of members from each of the nine (9) Legislative Council Districts, 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. The Mayor shall appoint members for a term of four (4) years commencing on the 1st Day of January of the year of appointment (subject to the transition provision, below). The terms shall be staggered as established at the date of the original appointment.

(i) Transition Language Pertaining to the Initial Appointment of Members to the Diversity, Equity and Inclusion Commission. Three members shall be appointed to a term of four (4) years commencing on the 1st Day of January 2022. Three members shall be appointed to a term of three (3) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2025. Three members shall be appointed to a term of two (2) years commencing on the 1st Day of January 2022 and thereafter to a term of six (6) years commencing on the 1st day of January 2024. Following the initial appointment, the term of office shall be uniform

(b) Ex-officio Member: Liaison.

(i) The Mayor shall serve as an ex-officio member of the DEI Commission.
(ii) The Mayor shall assign an employee of the Town to be the liaison to the DEI Commission. The liaison will serve as a resource to establish communication between the Mayor, the Legislative Council, other Town Commissions, and other bodies to advance the work of the Commission to address equity within the Town.

(5) Equity Fund Ordinance. The Commission and the Legislative Council develop an Ordinance establishing criteria for the level of funding and methods of allocation of such funds to address issues of equity, justice and inclusion for the people of the Town in accordance with the scope, priorities and recommendations of the Diversity, Equity and Inclusion Commission.

(6) Transition Provision Regarding Equal Rights and Opportunities. Not later than sixty (60) Days following the effective date of this Charter, the Mayor shall appoint a Task Force on Equal Rights and Opportunities ("Task Force") for the purpose of determining the necessity of establishing a Commission on Equal Rights and Opportunities for the Town, said appointments subject to approval by the Legislative Council. Said Task Force shall deliver its findings to the Mayor and Legislative Council within one (1) year from the first meeting of the task force; unless the task force seeks additional time to complete its work and the written reasons for such extension request. The Task Force shall work with the Diversity, Equity and Inclusion Commission and the Human Rights Commission regarding this endeavor. The Task Force may recommend consolidation of the pre-existing commissions if deemed appropriate. The Legislative Council shall conduct a public hearing on the findings of the within thirty (30) Days following receipt of said report.

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;

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475 NEW.
476 NEW (Charter Revision of 2011).

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E. Parks, recreation and youth services 477;
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 478.

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 479.

A. Board of Assessment Appeals 480.

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

(4) Appointment and Membership 481. The Board shall consist of three (3) members and two (2) alternates, all 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 and Alternates for a term of three (3) years, for a term commencing on the 1st 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) 482 483.

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477 NEW (Charter Revision of 2011).
478 See §§33.10 through 33.15 of the Code of Ordinances.
479 1983 Charter Chapter IV.
480 Modification of 1983 Charter section 4-1 by repealing title: “Board of Tax Review”.
481 Modification of 1983 Charter section 4-1.
482 Modification of 1983 Charter section 4-1 (first and third sentences) by repealing the following language: “...Council shall at a meeting to be held not later than January 31, 1966 appoint a board of assessment appeals consisting of three (3) members...”.
483 Modification of 1983 Charter section 14-1, by deleting the following: “…no more than two (2) of whom shall be from any one political party...”.

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(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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484 1983 Charter section 4-1 (fourth sentence).
485 Modification of 1983 Charter section 4-1 (fifth sentence) by adding “assessment appeals”.
486 NEW (Charter Revision of 2011).
487 NEW (Charter Revision of 2011).
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 coterminally 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.

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489 NEW (Charter Revision of 2011).

490 NEW (Charter Revision of 2011).

491 NEW (Charter Revision of 2011).

492 “Department” includes “…and agencies”.

493 NEW (Charter Revision of 2011).
Any internal departmental reorganization plan proposed by a Department Head, pertaining to non-budgetary matters, shall be 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.494.

SECTION 8-2: APPOINTMENT OF DEPARTMENT HEADS AND OTHER MAYORAL DEPARTMENTAL APPOINTEES; GENERAL REQUIREMENTS495.

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.497. Such contracts shall be subject to the following

494 NEW (Charter Revision of 2011).
495 NEW (Charter Revision of 2011).
496 NEW (Charter Revision of 2011).
497 Consistent with 1983 Charter section 17-3 (first sentence) “…the provisions of the Merit System”
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 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) 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 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.

504 NEW (Charter Revision of 2011).
505 NEW (Charter Revision of 2011).
506 NEW (Charter Revision of 2011).
507 NEW (Charter Revision of 2011).
508 Modification of 1983 Charter section 15-4 i; in lieu of the following language: “…to purchase at the expense of the Town, surety bonds for all Officials and employees of the Town required by Law or by Ordinance to furnish bonds to the Town, and insurance of such types against liability, loss or damage on the part of the Town or its property with approval of the Mayor, and be responsible for collection of insurance benefits and other matters relating to the administration of the Town’s insurance”.

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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.

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:

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509 NEW (Charter Revision of 2011).
510 1983 Charter Chapter VI.
511 1983 Charter section 6-1.
512 Modification of 1983 Charter section 6-1 (third sentence).
513 Modification of 1983 Charter section 6-1 (first sentence); in lieu of the following: “…shall be appointed by the Mayor, subject to the approval of the Council, and may be removed by the Mayor”.
514 1983 Charter section 6-1 (fourth sentence).
515 1983 Charter section 6-1 (second sentence).
516 “Public Officials” replaces “officers”.
517 1983 Charter section 6-1 (first half of the fifth sentence)
(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, 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 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) Prepare financial reports for each quarter and for each fiscal year and such other periods as may be required by the Mayor.

(iii) 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...
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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.

(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 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

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553 Modification of 1983 Charter section 15-4 (first sentence) by deleting the following: “...The Director of Finance shall act as or appoint, subject to the approval of the Mayor and the Council, and may remove...”.
554 NEW (Charter Revision of 2011).
555 NEW (Charter Revision of 2011).
556 NEW (Charter Revision of 2011).
558 NEW (Charter Revision of 2011).
(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, Ordinances 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 and testing methodologies, following consultation with the Mayor, Director of Finance and appropriate Town Officials; and,

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559 NEW (Charter Revision of 2011).
560 NEW (Charter Revision of 2011).
561 Modification of 1983 Charter section 15-4 j; in lieu of the following language: “…to prepare subject to the approval of the Council such rules and regulations regarding competitive solicitation as may be necessary.” NOTE: There is no section 15-4 h.
562 See, C.G.S. §7-148 entitled “Requirements for competitive bidding”. See also, C.G.S. §7-148w entitled “Disqualification of contractors from bidding on municipal contracts”.
563 Modification of 1983 Charter section 15-4 j; in lieu of the following language: “…to prepare subject to the approval of the Council such rules and regulations regarding competitive solicitation as may be necessary”.
564 NEW (Charter Revision of 2011).
565 Modification of 1983 Charter section 15-4a; in lieu of the following language: “…to establish and enforce, with the approval of the Mayor and after consultation with the heads of all departments, standard specifications for all supplies, materials and equipment required by the several departments, offices, and agencies of the Town”.
566 Modification of 1983 Charter section 15-4 b; in lieu of the following language: “…to establish to prescribe the time of making requisitions for such supplies, materials and equipment”.
567 Modification of 1983 Charter section 15-4 c; in lieu of the following language: “…to establish to establish a system for inspection of all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications”.

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(d) Storage\(^{568}\); recycled and recyclable products\(^{569}\); transfer or sale of surplus property and appropriate reporting standards\(^{570}\); and, inventory control\(^{571}\).

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\(^{572}\). 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\(^{573}\).

(1) Equal Employment Opportunity\(^{574}\). It shall be the policy of the Town to afford equal opportunity to all qualified applicants and to all Public Officials\(^{575}\) 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\(^{576}\). It shall be the policy of the Town to establish and maintain, by 568 Modification of 1983 Charter section 15-4 d; in lieu of the following language: “…to supervise and control such central store rooms as the Council may provide by ordinance to serve the several departments, offices and agencies and to use the facilities of the Board of Education, upon approval of said board”.  
569 NEW (Charter Revision of 2011).  
570 Modification of 1983 Charter section 15-4 e and f; in lieu of the following language: “…e) to transfer, with the approval of the Mayor, to or between departments, offices, and agencies, or sell supplies, materials and equipment considered to be surplus, obsolete or unused, after consultation with the head of the department, office or agency concerned; f) to give to the Mayor and Legislative Council, an accounting at the time of the sale, donation, or other disposition of any unused equipment, stating to whom it was sold, the original cost, the date of purchase, and the monies obtained as a result of such disposition”.  
571 Modification of 1983 Charter section 15-4g; in lieu of the following language: “…to maintain an inventory of all movable equipment belonging to the Town”.  
572 NEW (Charter Revision of 2011).  
573 1983 Charter Chapter XVII.  
574 1983 Charter section 17-1 entitled “General Provisions”.
575 “Public Officials” replaces “officers”.
576 1983 Charter section 17-1 entitled “General Provisions”.

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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\(^{577}\).

(a) Appointment\(^{578}\). 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 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(b) Qualifications\(^{579}\). 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\(^{580}\). 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\(^{581}\). 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;

\(^{577}\) NEW (Charter Revision of 2011).
\(^{578}\) NEW (Charter Revision of 2011).
\(^{579}\) NEW (Charter Revision of 2011).
\(^{580}\) NEW (Charter Revision of 2011).
\(^{581}\) 1983 Charter section 17-4 (third sentence). Note: The only mention of the Personnel Director in the 1983 Charter.


(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 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 SAFETY582, HEALTH AND COMMUNITY SERVICES583.

A. The Police Department584:

(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 therewith585.

(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 Statutes586.

(3) Nothing herein shall be construed to limit the power of special constables appointed in accordance with the General Statutes587.

582 1983 Charter Chapter X.
583 NEW (Charter Revision of 2011).
584 1983 Charter section 10-1.
587 1983 Charter section 10-1 (third sentence).

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(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 Police Commission, as set forth in §7-2.C of this Charter.

(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.

(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 and receive the advice of 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 §7-2.C and §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 supported by evidence of a material threat to the safety of the public or officer(s) and evidence of a material threat to property.

Commented [S4]: DRAFTING ALIGNMENT NOTE FROM COUNSEL: BASED UPON INTERNAL REVIEW OR CIVILIAN COMPLAINT.
(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 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 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.

605 Consistent with 1983 Charter section 10-8 (second sentence).
606 Consistent with 1983 Charter section 10-8 (fourth sentence).
607 Consistent with 1983 Charter section 10-8 (fifth sentence), by adding the following in lieu of the “affairs of the Fire Department”: “...general management of the Department, including, but not limited to, prior consultation on budgetary matters and as otherwise required by Section 8-1.C (2) of this Charter”.
608 Consistent with 1983 Charter section 10-8 (sixth sentence).
609 Consistent with 1983 Charter section 10-8 (seventh and eighth sentences).
610 NEW (Charter Revision of 2011).
611 See, C.G.S. §29-297 entitled “Appointment of local fire marshals, deputies and provisional fire marshals”.
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 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 choose 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.

(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**\(^{628}\). 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\(^{629}\); (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\(^{630} 631\).

B. **Engineering Department**\(^{632}\).

(1) **Powers**\(^{633}\). 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**\(^{634}\). 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.

(a) **Appointment**\(^{635}\). The Mayor shall appoint the Town Engineer as set forth in §8-2.A of this Charter. The Town Engineer shall serve a term coextensive with that of the appointing Mayor, subject to the provisions of §§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\(^{636}\). Furthermore, said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as

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\(^{628}\) Modification of 1983 Charter section 7-2 (fifth paragraph).
\(^{631}\) Section 9-2 (first, second and third paragraphs) is repealed.
\(^{632}\) NEW (Charter Revision of 2011).
\(^{633}\) NEW (Charter Revision of 2011).
\(^{634}\) Modification of 1983 Charter section 7-3.
\(^{635}\) Modification of 1983 Charter section 7-3, in lieu of the following: “The Mayor shall appoint and may remove, subject to the merit provisions of this Charter, a professional engineer...”.
\(^{636}\) Modification of 1983 Charter section 7-3 (first sentence, first clause).
(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.

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

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637 NEW (Charter Revision of 2011).
638 Modification of 1983 Charter section 7-3 (first sentence, second clause).
639 1983 Charter section 7-3 (second sentence).
640 "Department" includes "...or agency".
641 NEW (Charter Revision of 2011).
642 NEW (Charter Revision of 2011).
643 NEW (Charter Revision of 2011).
644 NEW (Charter Revision of 2011).
645 NEW (Charter Revision of 2011).
(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.

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647 Modification of 1983 Charter section 10-5 (first sentence). This modification recognizes that the General Statutes are applicable and should be taken into account during the hiring and removal processes.

648 See, C.G.S. §29-260 (Formerly Sec. 19-396) entitled "Municipal building official to administer code. Appointment. Dismissal".

649 See, C.G.S. §29-260. (Formerly Sec. 19-396) entitled "Municipal building official to administer code. Appointment. Dismissal".

650 NEW (Charter Revision of 2011).

651 See, C.G.S. §29-261 (Formerly Sec. 19-397) entitled “Qualifications of building official and assistant building officials. Powers and duties. Return of building plans and specifications”.


653 Building Board of Appeals. The purpose of the Building Board of Appeals is to serve as an appellate board to owners whose mode or manner of construction in creating or altering a building has been rejected by the building official's approval. The owner must write their appeal to the board, after which the board decides whether the person has a right to an appeal hearing or not. After an appeal has been accepted by the board, the chairman then shall appoint at least 3 board members to a panel to hear the case. Following the result of the hearing the Board informs the building official and the owner of their findings. If the owner is still not pleased with the ruling of the board they have the option to appeal to the Codes and Standards Committee within 14 days of the ruling.

The overall goal of the board is to ensure that the public has a forum to express concerns if they feel they are being treated unfairly in the building process. The Commission works to make sure both sides are heard to thus ensuring a decision that both sides can work with in the future.

This board consists of five members, with no more than 3 of the same political party. This is a 5-year appointment, which is recommended by the Mayor and subject to the approval of the Legislative Council.

Meetings are scheduled as needed.

C. The Town Planning and Zoning Department\(^{655}\).

(1) **Powers\(^{656}\).** 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**\(^{657}\). The Town Planner shall be the head of Town Planning and Zoning Department\(^{658}\) and shall have the duty of advising the Mayor and the Town Planning and Zoning Commission concerning a comprehensive plan of development\(^{659}\). The Town Planner shall have the duty of advising the Town Planning and Zoning Commission and any other Commission or Department\(^{660}\) concerning the effect of any actions it may take on said comprehensive plan\(^{661}\). The Town Planner shall be responsible to the Mayor\(^{662}\).

(a) **Appointment.** The Mayor shall appoint the Town Planner as set forth in §8-2.A of this Charter\(^{663}\). The Town Planner shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 5-2.B of this Charter of this Charter and until a successor shall be appointed and shall have qualified\(^{664}\).

(b) **Qualifications**\(^{665}\). 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\(^{666} \). 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.

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\(^{655}\) NEW (Charter Revision of 2011).
\(^{656}\) NEW (Charter Revision of 2011).
\(^{659}\) 1983 Charter section 13-4 (third sentence).
\(^{660}\) “Department” shall include “…or agency”.
\(^{661}\) 1983 Charter section 13-4 (fourth sentence).
\(^{663}\) Modification of 1983 Charter section 13-4 (first sentence); in lieu of the following: “…subject to the approval of the Council and may be removed by the Mayor”.
\(^{664}\) NEW (Charter Revision of 2011).
\(^{666}\) AICP Certification Requirements. See www.planning.org/certification/eligible.htm.
(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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668 1983 Charter section 13-4 (fifth sentence).
669 Modification of 1983 Charter section 13-5 by replacing appointment by the “Mayor” with “Town Planner”.
670 In lieu of “the Mayor”.
671 NEW (Charter Revision of 2011).
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 and the Town’s Department of Education.

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: THE BUDGET PROCESS

A. Cooperation of Town Officials and Employees. The Mayor, the Board of Education, the Finance Commission and Legislative Council are required to work together, in good faith, throughout the year in order to develop and approve a municipal budget which shall include all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, include detailed estimates of revenues, capital expenses and operating expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these public officials and employees of the Town are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town.

B. Budget Liaison. Following consultation with the Finance Commission, the President of the Legislative Council shall appoint a Budget Liaison, who shall be qualified by education, training and experience in public administration and public finance as well as additional qualifications as may be established by Ordinance and in accord with nationally accepted professional standards and best practices. The Budget Liaison shall serve as the liaison to the Department of Finance and, as such, shall assist the Legislative Council and Finance Commission in carrying out the provisions of this Charter pertaining to budget development, implementation and oversight. In particular, said Liaison shall assist the Commission and Council, in its interactions with the Mayor, as follows:

1. development and execution of the Town Budget (capital and operating), including the budgets of the Town’s internal service, special revenue funds and enterprise funds, if any;
2. providing any information pertaining to federal and state revenue estimates and any potential adjustments;
3. conferring with the Chair of the Commission and President of the Council or their designees with budget related questions or concerns throughout the fiscal year;
4. assisting the Commission in its reporting function and the Council in its oversight function pertaining to budgetary compliance;
5. assist the Council on all matters pertaining to all budgetary transfer requests submitted for legislative action; and,
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(6) assisting the Commission and the Council, preferably in concert, in developing combined methods and means of communicating with the residents of the Town in order to expand public participation, engagement and trust in the budgetary process including electronic posting of financial documents and information as well as enhanced opportunities for public participation throughout the year.

Said Liaison shall be strictly accountable to the Commission and Legislative Council. The Mayor, Board of Education and Director of Finance are required to provide the Budget Liaison with all financial and budgetary information and data that is not otherwise deemed confidential or exempt from disclosure under Law.

SECTION 10-2: FORMULATION AND SUBMISSION OF TOWN BUDGETARY REQUESTS

A. Submission of Budgetary Request. At a time established by the Mayor, following consultation with the Chief Operating Officer and prior to the submission of the general fund or operating and capital budget of the Mayor to the Finance Commission/Council, each Department of the Town supported wholly or in part of Town funds, including the Board of Education, shall submit to the Chief Operating Officer/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 next fiscal year and to be accomplished during the ensuing four (4) 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 next and four (4) succeeding fiscal years, or as may be otherwise required by Law and such other information as may be required by the Council, the Mayor, the Finance Commission 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;

(3) estimates of the cost of capital projects pending or which should be undertaken within the next and four (4) succeeding fiscal years, including a detailed budget by project for expected capital expenditures in the next fiscal year, shall be submitted by each Department annually in the form and manner prescribed by the Director of Administration/Chief Administrative Officer, under the authority of the Mayor; and,

(4) all special revenue, equity assistance and enterprise funds, if any.

These estimates for general fund or operating budget and capital projects shall be public records and open for inspection at reasonable times.

SECTION 10-3: MAYOR SUBMITS PROPOSED TOWN BUDGET TO THE LEGISLATIVE COUNCIL AND FINANCE COMMISSION.

A. Mayor Transmits Proposed Town Budget to the Legislative Council and Finance Commission. Annually, not later than the eighteenth (18th) Day of March ("Budget Transmittal"), the Mayor, having reviewed or revised the budgetary requests outlined in §10-1 of this Charter and following consultation with the Chief Operating Officer and Director of Finance, shall present to the Legislative Council and Finance Commission a budget that shall consist of the capital projects budget and the proposed general fund or operating budget for the next fiscal year (including the Board of Education) and detailed budget estimates (i.e., estimates of revenues, capital expenditures, and general fund or operating expenses) for each of the four fiscal years thereafter ("Proposed Town Budget").

B. Contents of the Proposed Town Budget I: The General Fund or Operating Budget (including the Board of Education). The Proposed General Fund or Operating Budget shall contain the following information:

(1) An itemization of all anticipated revenue, including from sources other than the tax levy. The revenue estimates shall present, in parallel columns that are itemized,

(a) Actual revenues collected in the last completed fiscal year;

688 1983 Charter section 18-1 (2) a. and b.
689 "Department" includes "…, office or agency".
692 Modification and recodification of 2011 Section 10-2.A derived from 1983 Charter section 18-2 (first paragraph, first sentence). The inserted date replaces the following: "…not later than one hundred five (105) days before the end of the fiscal year…".
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#### (b) Revenues collected during the current fiscal year prior to the time of preparing the estimates;

#### (c) Approved revenue for the current fiscal year;

#### (d) Estimated revenue to be collected during the current fiscal year;

#### (e) Estimated revenue to be collected during the ensuing fiscal year; and,

#### (f) The average annual income from each source for the past five years setting forth recurring and non-recurring revenues.

The Legislative Council may, by Ordinance, establish criteria that the Mayor must use for estimating cash receipts from sources other than the tax levy.

#### (2) Itemized estimates of expenditures, presenting the actual expenditures for each Department\(^{694}\) 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\(^{695}\) for the ensuing fiscal year.

#### (3) The contents of the Proposed Town Budget shall also contain\(^{696}\):

- **(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 with a schedule of maturities of bond issues (debt analysis beyond the duration of the five-year capital plan should be consistent with best practices);

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

- **(d)** the amount required for interest on the Town debt, and for maturing serial bonds and other maturing obligations, and other fixed charges, and the amount required to fund pensions currently which amount shall be determined by an independent actuary designated by the Mayor for that purpose and shall not be subject to reduction or rejection by the Finance Commission or the Legislative Council;

- **(e)** the amount required to meet contractual provisions of collective bargaining agreements (and other side agreements relating...
C. Contents of the Proposed Town Budget II: Capital Projects Budget (including the Board of Education)\textsuperscript{697}. The Proposed Capital Projects Budget for the next and for four succeeding fiscal years thereafter\textsuperscript{698} shall include the recommendations of the Mayor for those expenditures to be undertaken during the ensuing fiscal year and the method of financing the same\textsuperscript{699} as well as the following information:

\begin{itemize}
\item[(1)] A detailed estimate of the cost of each proposed project, listed according to the department, board, commission, authority or agency of the Town principally concerned with the project, which are expected to be commenced in the next fiscal year;
\item[(2)] A statement as to any off-setting reimbursements, such as state or federal grants anticipated in connection with the project;
\item[(3)] Such comparison with any prior year’s appropriation for capital projects as the Mayor considers advisable, or the Finance Commission or Legislative Council shall have requested;
\item[(4)] A report summarizing the status of each previously approved capital project stating those which have been completed, and the balance of any unexpended bond funds available with recommendations for either redemption of bonds or other capital projects use; and
\item[(5)] Any other information the Mayor believes to be pertinent, or which is requested by the Finance Commission or Legislative Council.
\end{itemize}

The recommended method of financing proposed by the Mayor shall not be binding on the Finance Commission or the Legislative Council as to the method of financing any

\textsuperscript{697}Modification of 2011 Section 10-2.C entitled “Proposed Capital Expenditures”.
\textsuperscript{698}1983 Charter section 18-2 (third paragraph, first sentence))
\textsuperscript{699}Recodification of 2011 Section 10-2.C (third sentence). Derived from 1983 Charter section 18-2 (third paragraph, third sentence))
D. Contingency Appropriation\textsuperscript{700}. The Mayor’s Proposed General Fund or Operating Budget may include an appropriation the purpose of which is to fund unanticipated or unforeseeable expenses of the Town during the fiscal year. No portion of this appropriation may be used to fund additional operating expenses of a recurring nature, although it may be used to fund unanticipated incremental increases of ordinary operating expenses.

E. Special, Enterprise Equity Assistance\textsuperscript{701} Funds. The Mayor, following consultation with the Chief Operating Officer, Finance Director and Finance Commission, is required to recommend and the Legislative Council is required to consider and act upon policies pertaining to special funds or special revenue fund, equity assistance fund and enterprise funds, in accordance with best practices, in particular the standards of the Government Accounting Standards Board or its successor.

F. Required Actions of the Mayor and Legislative Council. The Mayor, following consultation with the Town Administrator/Chief Administrative Officer and Finance Director and the Finance Commission is required to recommend and the Legislative Council is required to consider and act upon Ordinances establishing the following formal policies:

- **(1) Fund Balance Ordinance\textsuperscript{702}**. The level of unrestricted fund balance that should be maintained in the general or operating fund for GAAP and budgetary purposes as well as the procedures required for the withdrawal and use of said funds.

- **(2) Equity Fund Ordinance**. Defining the level of funding and methods of allocation of such funds, to address issues of equity, justice and inclusion for the people of the Town in accordance with the scope, priorities and recommendations of the Equity, Diversity and Inclusion Commission.

**Transition Language Pertaining to Sections 10-3.F(1) – (3)**. The required ordinances shall be adopted by the Legislative Council within two (2) month following the effective date of the revised Charter.

G. Public Inspection\textsuperscript{703}. 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.

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\textsuperscript{700} NEW (2021).

\textsuperscript{701} An “equity assistance fund” is a fund to be used exclusively to assist efforts that reduce inequity based on race, gender or economic status in the town; requiring the annual budget to include a specified appropriation for the equity assistance fund.” The City of Baltimore adopted in 2018.

\textsuperscript{702} NEW (2021).

\textsuperscript{703} Recodification of 2011 Section 10-2.D. Consistent with 1983 Charter section 18-2 (fourth paragraph, first and second sentences))
which are available to the Council, in accordance with the Public Notice provisions of this Charter.

SECTION 10-4: DELIBERATIONS ON THE PROPOSED TOWN BUDGET

A. Public Hearings by Legislative Council. The Legislative Council, or a designated committee of jurisdiction, shall conduct an initial public hearing on the Proposed Town Budget (as formulated by the Mayor and the Board of Education) pertaining to the public service components and work programs of the Proposed Town Budget. Said hearing shall be held on or before the eighth day of April after three (3) days public notice. Following said hearing the Legislative Council committee of jurisdiction is required to commence review of the public service components and work programs set forth in the Proposed Town Budget.

B. Deliberations by the Finance Commission. The Finance Commission is required to review the Proposed Town Budget in accordance with the responsibilities under §7-2A.(1)(a) of this Charter. Members of the Legislative Council committee of jurisdiction shall be assigned by the President to participate in the proceedings of the Finance Commission.

C. Transmittal of recommendations from the Finance Commission to Legislative Council. With respect to the Proposed Town Budget, the Finance Commission shall, on or before the twentieth-seventh day of April, transmit its recommendations thereon to the Clerk of the Legislative Council in accordance with its responsibilities under §7-2A.(1)(a) of this Charter. The transmittal shall delineate its recommendations referencing each of the applicable provisions of the Proposed Town Budget.

(1) Finance Commission Statement on Estimates and Assumptions. The transmittal shall include the Finance Commissions analysis of the estimates and assumptions contained in the expenditure and revenue lines of the budget in accordance with and citing the best practices for municipal budget practices.

(2) Finance Commission Meeting with Legislative Council. At a date set by the President of the Legislative Council, as soon as possible following submission of the Mayor’s Budget Message, the Finance Commission shall meet with the Legislative Council or the committee of jurisdiction as set forth in the call of the meeting, to discuss their recommendations.
D. Mayor’s Budget Message. On or before the thirtieth day of April the Mayor shall transmit a budget message to the Legislative Council, including comments on the recommendations of the Finance Commission. The Mayor’s Budget Message is required to address the following:

1. Explanation of the Proposed Town Budget both in fiscal terms and in terms of work programs, including any major changes from the current fiscal year budget and any changes in expenditures and revenues (together with the reasons for such changes);
2. Outline of the proposed financial policies of the Town government for the ensuing year;
3. Description of the important features of the budget - including major changes from the current fiscal year;
4. Summary of the Town’s debt position, including a statement of the bonds to mature and the interest payable on bonds outstanding;
5. Explanation of the assumptions that were taken into account for any and all financial forecasts and estimates of expenditures or revenues in the Proposed Town Budget, including the amount required to meet contractual provisions of collective bargaining agreements pertaining to workforce requirements;
6. Explanation of the provisions of the Proposed Town Budget that comply with and advance the objectives of the plan of conservation and development required by the General Statutes and the Long Term Finance Plan required by this Charter;
7. Presentation of the reasons for all recommendations shall include a statement from the Board of Education setting forth their reasons for their budget recommendation flowing the same form and procedure with respect to the detailed estimate for the education department as required of the Mayor under this Charter for other departmental estimates; and,
8. Such other material as the Mayor deems desirable.

SECTION 10-5: 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 fifth (5th) Day of May, at which any Elector or taxpayer may have an opportunity to be heard regarding the Proposed Town Budget.

(1) Meeting Notice715. On or before the twenty-ninth (29th) Day of April, the Council shall cause to be issued a Meeting Notice (including a general summary of the Proposed Town Budget) for one or more Public Hearings on the Proposed Town Budget.

(2) Public Inspection716. 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 Town Budget717. 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. The Proposed Town Budget, as modified by the Legislative Council, shall include a narrative of the assumptions and estimates relied upon by the Legislative Council.

B. Adoption of the Proposed Town Budget by the Legislative Council718. Subject to the provisions of §10-6 of this Charter, the Council shall adopt the Proposed Town Budget not later than the seventeenth (17th) 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 Levy719. 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

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715 Recodification of 2011 Section 10-3.A (1) which modified 1983 Charter section 18-3 (first paragraph, second sentence). The inserted date replaces the following: “…sixty (60) days before the end of the fiscal year”.  
716 Recodification of 2011 Section 10-3.A (2). Consistent with 1983 Charter section 18-3 (second paragraph, first sentence). The inserted date replaces the following: “…forty-five (45) days before the end of the fiscal year”.  
718 Recodification of 2011 Section 10-3.B which modified 1983 Charter section 18-3 (second paragraph, first sentence). The inserted date replaces the following: “…forty-five (45) days before the end of the fiscal year”. In addition, the reference to “Public Notice” as defined in the Charter replaces the language pertaining to distribution at the library system.  
(2) **Failure to Adopt a Town Budget** examines the situation where the Council does not adopt a Town Budget within the allotted time. If this occurs, the Proposed Town Budget, as originally submitted by the Mayor, will be deemed adopted as the Town Budget Ordinance, and the Mayor will have the right to publish the tax rate and expenditures in accordance with this budget. This is subject to the provisions of §10-7 of this Charter.

(3) **Lapsed Funds.**

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

(b) **Capital Funds.** Appropriations for construction or other permanent improvements, from whatever source made, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor, provided, at the request of the Mayor, following consultation with the Finance Commission, the Legislative Council may, at any time by resolution, transfer any unencumbered balance or portion thereof from one project to another.

### SECTION 10-6: 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 (22nd) Day.

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721 The following provision of 1983 Charter section 18-3 (second paragraph, fourth fifth and sixth sentences) is repealed: "Capital and Nonrecurring Expenditures Fund. The Council may levy annually, a tax of not more than two mills to be assessed upon the taxable property in the Town for the benefit of a fund to be known as the "Capital and Nonrecurring Expenditures Fund" to be used solely to pay the cost of capital improvements for which the Town is authorized to issue bonds. The Council shall have the power to transfer to this fund any portion of the general fund cash surplus not otherwise appropriated. Appropriations for construction or for other capital improvements shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three fiscal years have elapsed without any expenditure from or encumbrance of the appropriation."


723 NEW (2021).

B. Mayoral Action. Not later than the first (1st) 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.

C. 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.

   (1) Following receipt of the Mayor’s veto, but not later than the tenth (10th) day of June, any vetoed Adopted Town Budget, again approved by an affirmative vote of at least two-thirds (2/3) 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 §10-7 of this Charter.

   (2) 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 publish the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-7 of this Charter.

D. Effective Date of Town Budget Ordinance. The Town Budget Ordinance shall become effective on the twenty-first (21st) Day after Public Notice of Final Action; subject to the provisions of §10-7 of this Charter.

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

SECTION 10-7: PETITION FOR BUDGET OVERRULE.


Recodification of 2011 Section 10-4.A (3) which modified 1983 Charter section 18-4 (second paragraph, third sentence), by repealing the following “…approved by the Mayor and those accepted by the Mayor’s not acting to approve or veto such Town Budget within fifteen (15) days shall become effective in accordance with this section”.


Annotated Charter of the Town of Hamden, Connecticut - 127 (12 May 2021)
Approved as Amended and Revised – November 8, 2011
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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 §10-6 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) 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 §10-7.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 §10-7.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 §§10-5 and 10-6 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.

731 Minor modification and recodification of 2011 modification of 1983 Charter section 18-5 (first paragraph, first and second sentences). The Commission reduced the threshold for petitions to 15%.
734 Minor modification and recodification of 2011 modification of 1983 Charter section 18-5 (second paragraph) was changed in order to refer to the General Statutes which governs in this instance. 1983 Charter section 18-6 is repealed in its entirety since the issue is covered by the General Statutes.
735 Minor modification and recodification of 2011 Section 10-5.C.
736 Minor modification and recodification of 2011 Section 10-5.D.
SECTION 10-8: FISCAL YEAR

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

SECTION 10-9: 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 §10-9.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, Capital and Special Fund Transfers.

(4) 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, capital 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 §10-9.D (1) (b) of this Charter shall apply.

(a) Said Ordinance may establish individual and/or 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.

(5) 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 or operating, capital 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

747 “Public Official” replaces “officers”.
749 “Public Official” replaces “officers”.
750 Recodification of 2011 Section 10-7.D (1) (b) which modified 1983 Charter section 18-8.E (second sentence), in lieu of the following: “…desire to secure a transfer of funds set apart for one specific purpose to funds set apart for another, before incurring any expenditure therefor, such or shall make application to the Council, through the Director of Finance whose duty it shall be to examine the matter, and upon approval of the Council, such transfer shall be made, but not otherwise except as may be permitted under the terms of item (I) below.”
751 Recodification of 2011 Section 10-7.D (2) (a) which modified 1983 Charter section 18-8.I (first sentence), in lieu of the following: “…not to exceed an accumulated Department total of Five Hundred Dollars ($500.00)”.
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Department\textsuperscript{753}, Board or Commission to another.

(6) **Approved Transfers\textsuperscript{754}**. Each approved transfer shall be described in the monthly financial report prepared in accordance with §8-4.A (1) (d) (iv) of this Charter.

(7) **Prohibited Transfers\textsuperscript{755}**. No transfer shall be made from any appropriations for debt service and other statutory charges.

E. **Additional Appropriations\textsuperscript{756}**. 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 or operating fund cash balance to meet such appropriations.

F. **Liability of Officials or Employees\textsuperscript{757}**. 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 10-10: PUBLIC FUNDS AND FINANCE\textsuperscript{758}**.

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 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.

\textsuperscript{753} "Department" includes "...or office".
\textsuperscript{754} Recodification of 2011 Section 10-7.D (3) which modified 1983 Charter section 18-8 I) (second sentence), in lieu of the following: "...Such transfers must be approved by the Mayor and reported to the Council monthly."
\textsuperscript{756} Recodification of 2011 Section 10-7.E. Consistent with 1983 Charter section 18-8 G).
\textsuperscript{757} Recodification of 2011 Section 10-7.F which modified 1983 Charter section 18-8 H) by adding "...or both".
\textsuperscript{758} Recodification of new 2011 Section 10-10.
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(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) 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) 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 10-11: 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 thereon shall have voted in favor thereof.

759 See, C.G.S. §9-369d entitled “Submission of local question to voters who are not electors. Vote by electors and voters held in conjunction with an election”. See also, C.G.S. §9-369b entitled “Local questions and proposals. Explanatory text. Expenditure of state and municipal funds to influence vote prohibited. Preparation and printing of certain materials permitted. Exception. Civil penalty. Summaries of arguments for, against local questions”. See also, C.G.S. § 9-271 re referenda by paper ballots.


761 Recodification of new 2011 Section 10-9 (a) (2).


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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 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, then such invalidity shall not affect the validity or efficacy of any other section or sections of this Charter.
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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.

SECTION 11-6: EFFECTIVE DATE775.

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.


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 1st to February the 1st.

SECTION 11-10: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE

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. 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.


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.


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.


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.


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REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).

The baseline for the terms of office for the members of the Library 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 11-15: “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.


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.


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.


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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776 1983 Charter section 12-1 (second and fifth sentences)
777 1983 Charter section 12-1 (six, seventh, eight and ninth sentences)
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.


(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 proceedings 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

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778 NEW (Charter Revision of 2011).
780 “Public Official” replaces “officer”.
781 “Public Official” replaces “officer”.
cross-examine witnesses. The Board may administer oaths and issue 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 effect, 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

785 Modification of 1983 Charter section 17-6 (first sentence).
786 Modification of 1983 Charter section 17-6 (second sentence).
787 Modification of 1983 Charter section 17-6 (third sentence).
788 Modification of 1983 Charter section 17-6 (fourth sentence).
"Treasurer" or "Board of Finance" are used the words "Director of Finance" shall be substituted.