CHARTER REVISION COMMISSION
REGULAR MEETING

MIDDLETOWN CONNECTICUT
WEDNESDAY, MARCH 10, 2021
7:00 PM

1. **Call to Order**

Commission Chair Robert Blanchard calls the meeting to order at 7:10 PM.

2. Roll call

Present: Commissioner Robert Blanchard, Chair; Commissioner David Greaves, Vice-Chair; Commissioner Molly Aunger; Commissioner Edward McKeon (Councilmember); Commissioner David Ribnicky; Commissioner Selena Rivera; Commissioner David Roane, Secretary; Commissioner Linda Salafia (Councilmember); Commissioner Molly Salafia; Commissioner Kelly Sweeney; and Commissioner William Wilson

Also Present: Councilman Eugene Nocera, Ex Officio (arrived 7:45 PM)
Steven Mednick, Esq. - Consulting Legal Counsel
Hon. Benjamin Florsheim, Mayor
Councilwoman Jeanette Blackwell
Councilman Darnell Ford
Councilman Grady Faulkner, Jr.
Councilman Anthony Gennaro, Sr.
Councilman Anthony Mangiafico
Councilman Philip Pessina
Brig Smith, Esq. - General Counsel
Linda SK Reed, Clerk of the Common Council

This meeting is livestreaming on WebEx and on the City's Facebook page.

Members of the Public: WebEx – 20 attendees; Facebook livestream (unknown number of viewers)

3. Panel Discussion

Commission Chair Robert Blanchard opens the Panel Discussion section of the meeting, shifting to Consulting Attorney Steven Mednick, who has organized the panels for the Commission. Attorney Mednick will introduce the panelists and kick off the program. Before that, the Chair explains that the topics for the evening are the makeup of the Council, including the current structure with the Mayor as the presiding officer, the concept of creating a new position on the Council in the form of a Speaker of the House, as well as Council staff.

Attorney Mednick has been disconnected from the remote meeting. In his absence, the Chair continues the meeting while Attorney Mednick works on reconnecting to the meeting. He asks each panelist to provide a brief opening statement as to how they view the current makeup of the Council; whether or not they believe it is effective in its current format or cold be improved on, or there a problem distinguishing between the executive and legislative branches as well as staff and where they fit best between the Mayor and the Common Council.

The Chair asks the panelists to keep introductory remarks to five (5) minutes.

A. Gerald Daley (former Councilmember):

Gerald Daley states that, in terms of whether the Common Council has been effective or not, to the degree it was not effective, was not due to the structure. It is due to the composition, the individuals. Some Councils have been excellent, some have not. The structure is an appropriate structure for a strong Mayor form of government, which the City has had since the full-time Mayor position was created in the early 1950s.

As far as the issues that he read that the Commission is grappling with, he believes having the Mayor preside at Council meeting, albeit not a member of the Council, makes sense. It is important that the Mayor and Council work together, although not necessarily in agreement on everything as they have different duties. Having a system of checks and balance is important, but he would be concerned that, if the Mayor was not involved with Council meetings, it would not give a perception of unified government. In his opinion, that is not good.

As far as the Councilmembers being at-large, it seems to have worked and makes sense for Middletown. He has not seen a detailed proposed on shifting to a district arrangement, adding that New Haven has

Aldermen, other communities have hybrids, some have at- large He thinks it would be so complicated, so difficult of the public to understand and would complicate elections. Absent a compelling reason, he would not think that such a big change is worthwhile.

He has been on a number of Charter revisions. He worked in the Mayor's Office in the 1970s and was actually staff to the Commission in 1976-1977. He has been involved since all that have occurred since 1993. It is important to make a clear, bright line distinction between the powers and responsibilities of the Mayor and the powers and responsibilities of the Council; strengthen that the Council controls the purse strings, adding that that is an important element.

Mr. Daley notes that these are his main comments. He asks if there is any other issue that he should address in opening remarks.

The Chair replies that Mr. Daley has about a minute left. The other item is staff to the Council and where that best fits.

Mr. Daley replies that staff for the Council -- the Council Clerk – has been an issue. He does not see an elegant solution for that because since the Council has one Clerk so there needs to be a backup mechanism. It should also be clear that the Council Clerk takes direction from the Council, whether it be spelled out that it is the Majority Leader and Minority Leader, the Deputy Mayor, it should be clear. It is not good for any employee not to be clear as to whom they answer to, where they take direction. He does not know how to solve the appointing authority aspect. He thinks that with the strong Mayor-form of government, and that Mayor is the executive authority responsible for all City administration, he is not sure how you give up the hiring and firing authority. He suggests that it may be some wording that Attorney Mednick can develop to indicate that the Council has the right to make recommendations or something like that.

B. <u>Sebastian Giuliano</u> (former Mayor, Councilmember, and Minority Leader):

Sebastian Giuliano thanks the Commission for inviting him and the other panel members.

First, some general statement: anything, any issue that they come across, that can be addressed by something less drastic than revising the Charter, should be done at that level. If the Council can rectify a problem by ordinance, it should be done that way. Putting too much into the Charter instead of making it an operational framework, it can become a constraint and hamstring operations.

To get to the issues at hand, the question as to whether the Council functions adequately, he agrees with former Councilman Daley that it has functioned well for many years so, if the Commission decided not to makes changes, it would not be earthshattering. He personally agrees that it would function better -- have a better line of demarcation – of the Mayor was not the presiding officer. He has been on both sides: as Mayor and as a Councilmember. As Mayor, he dealt with a Council that was eight (8) Democrats and four (4) members of his party. He was still able to influence how that meeting ran simply because he was presiding. He does not think it is healthy to have the executive branch essentially running the legislative branch. If they wanted to dealt with this, the quickest and least complicated way of dealing with this is to go to Charter IV, Section 2 and find the sentence that reads *The Mayor shall be the presiding officer of the Common Council* and strike all the words *The Mayor ~~shall be the presiding officer of the Common Council and, as such, shall have the power to resolve a tie vote of the Common Council and, in addition,~~ may veto any ordinance or appropriation passed* ***. . .*** It's quick and dirty, but solves the problem taking the Mayor off the Common Council. That sentence would read *<u>The Mayor may veto any ordinance or appropriation passed by the Common Council</u>* ***. . .*** In terms of how to do that, unless they are looking at going to a 13-member Council, they would not need to do anything else. How the Council wants to structure its leadership would be internal to the Council. They have Majority Leader and a Minority Leader, which is nowhere in the Charter. That is a purely internal decision. How the Council would want to choose its own leader would be set up by Council rules at the organizational meeting. If they wanted to be more complicated, it could be written into the Charter. If they want to simply take the Mayor out, it is not that complicates.

This brings him to the next issue, which he does not think is complicated. Relative to the staff of the Common Council, he believes that language of the Charter is clear and unequivocal. The Council can hire its own staff, and that does not mean just one clerk, if it wanted to it could hire a staff person for every Councilmember. If they wanted to setup its own IT operations – which came up a couple of years ago – they could, but he does not think it would be fair to Middletown's citizens to create another bureaucracy on the legislative side that would have to be funded. The Mayor signed off on the hire of the Council Clerk – both former Council Clerk Marie Norwood and current Council Clerk Linda Reed – but that was purely a ministerial act on the Mayor's part. The Mayor had no discretion not to sign that hire. The Council having only one employee, uses that apparatus of the City Personnel Department and the City Payroll Department because they exist. We don't duplicate services, but that does not mean that there is no separation between the two roles.

Finally, what former Councilman Daley alluded to, it's not is such the structure of everything as it is the people who are doing it. If there is a situation where the Council believes that the Mayor is intruding on its prerogatives and trying to control its staff, it is up to the Council to draw a line in the sand and say "you are poking your nose where it doesn't belong." If the Council is not doing that, he is not sure what changes in the language can be made that will fix it. Whatever the Charter says, it depends on the willingness of people to abide by it. If they are unwilling to abide by it doesn't matter: there will be chaos. These are his opening remarks on the very narrow scope of this panel.

C. Mary Bartolotta (former Councilmember and Deputy Majority Leader)

Mary Bartolotta thanks the Commission for inviting her to speak.

The comments of Councilman Giuliano and she are almost on the same page regarding the staffing of the Council.

She believes that the Charter language can be strengthened to make those clear lines between the executive branch and legislative branch. She would begin with Charter III, Section 2 of the Common Council and Charter IV Section 2, Mayor's duties and powers. These are the areas that can be addressed.

This issue was brought to their attention when the mayor, at that time, and the General Counsel's office asserted that the Council Clerk reports to the Mayor and is supervised by the Mayor. Until that point, the Council did not believe that here were any issues. When that came about, it was the realization that it was not the first time that there was an issue. With this.

She has some suggested language, noting that she is not an attorney. Under the organization of the Council, its starts out: *The Common Council shall meet to organize no later than ten days following the commencement of its term of Office.* It can be amended to read: *The Common Council may appoint such staff as it deems necessary to assist it in the performance of its duties, <u>including, but not limited to, the Clerk of the Common Council, who shall be supervised exclusively by the Common Council. The Common Council's appointment of its Clerk shall be confirmed by the Mayor solely for the purpose of the Clerk being included in the City's classified services for purposes of salary, benefits, and pension.</u>* That is a suggestion.

For the second part Charter IV, Section 2, Duties and Powers of the Mayor, it states: *Except as otherwise provided by law, the Mayor shall be directly responsible for the administration of all Departments, Agencies and Offices, in charge of persons or Boards appointed by the Mayor and shall supervise and direct the same.* That is the other issue. She believes that the language following that should say: *<u>The Mayor shall not have any oversight of the legislative branch other than to confirm an appointment.</u>* This would address the situation that we don't have the executive branch interfering with the legislative branch. There needs to be a clear line for that.

She believes that wards are a good idea, but she would like to see this – as she believes was discussed at the last Charter Revision Commission meeting – that is to make it at-large. That would definitely help the legislative branch, for every resident in the City to have a Councilmember whom they could call and know that the person responsible for getting back to them. In her experience over 8 years and serving on different committees is, that when they received an email from the general public, you would try to address it or that someone else was addressing it because it was their committee. That is one example. If there are wards and that is the Councilmember that would make that person responsible for responding. It would help close up things getting through the cracks even though it is unintentional.

Terms should revert to 2-years and be staggered. Going along with wards, staggered terms would help keep people on the Council with experience to help guide new members. It also makes our leader responsible for the decisions that they are making, that they are supposed to be making. For the people they represent. It holds people more accountable.

As for the Mayor presiding over the Common Council, she thinks that the Mayor should be removed and a president be elected by the majority and minority parties. It would be a great place to start with unity in decisions, having a voice from bother parties and bringing both parties together, starting on a solid foundation to work together.

The other matter that she would like to address is the attorney, who is present at the Council meetings. Right now, the presiding attorney, who is referred to as the Corporation Counsel, is the Mayor's attorney. It is not the Council's attorney. We need to look at separating the executive branch's oversight over the legislative branch meeting. It would help define, as it should, the legislative branch and help them work more independently. It would all eliminate the public perception that the Mayor is in charge of the Common Council.

There are her initial comments and she will be here to answer questions.

D. <u>Deborah Kleckowski</u> (former Councilmember)

Deborah Kleckowski thanks the Commission for inviting her to speak.

She echoes much if what has been said, so her comments will be brief, bullet pointed.

- The Council should remain a 4-year term. She believes that this is very important. Imagine if this Council was turning over next year. You are just getting a hand on thing, getting active on the committees and the ability to see things through with a bit of long-term planning. She believes that 4-year terms are important.

- Terms should be staggered as this helps maintain a historical perspective as people are elected and others no longer serve.

- The Mayor should continue on a 4-year term. The Mayor is able to see his/her vision, not simply come into office in November, pass a budget, and then be ready to campaign again a year later.

- The Mayor and Council should run opposite each other so that they are not running the same year. It will help separate the power – the optics – of the executive and legislative branches.

- The Mayor should not preside over the legislative branch Common Council meetings, The Mayor is not part the legislative branch; rather, there should be a president of the Common Council, elected by the Councilmembers.

- The Mayor should chose his own Deputy Mayor should not be the highest vote-getter, the President of the Council, but it is important that the Mayor has the opportunity whom they believe should is needed and to make that happen.

- The Corporation Counsel is a good point. The legislative branch needs to have someone they can go to, not a direct pipeline to the executive branch. Sometimes, you may be investigating questions, but, when you ask Corporation Counsel or the City Attorney where that information is going or is it staying where it should: with the legislative branch, not shared.

- The Council Clerk position is clear in the Charter. The Clerk needs to be recognized as working for the legislative branch. The Common Council cannot have the Council Clerk having the responsibility to it and then be supervised by the Mayor, the executive branch. There would be such a flow of information that nothing could be done in terms of investigative powers, trying to figure out an issue. She believes that former Council Clerk Marie Norwood, who was in this situation previously, can really add her perspective, The Clerk is with the Common Council and the administrative piece is that the Mayor just signs off on that appointment. She believes that former Councilmembers Giuliano and Daley spoke to the fact, adding that they interviewed the current Council Clerk and there was no executive participation except to sign off.

There are her comments and she will answer any questions.

She understands the concept of wards. We do not need to have a large Common Council. If it is 12 or 13 with a President and the Mayor not presiding is good. Great consideration needs to be given to wards. She cannot speak to that without a plan. She thinks that, without a plan to examine, it should stay the same.

E. <u>Marie Norwood</u> (former Clerk of the Common Council):

Former Council Clerk Marie Norwood thanks the panel for inviting her to speak this evening.

Regarding the Mayor as the Chair of the Council, this question has come before numerous Charter Revision Commission over the years. There have been some people both for and against. Other towns use this method without having the mayor as Chair. She believes that East Hartford is an example.

Regarding the Common Council Clerk position, since its inception in 1990, the Common Council has always wanted its own staff. Before she was hired, most of the duties were in the Town Clerk's job description and the job duties were the part of the Mayor's secretary, who covered most meetings and transcribed meetings. They put together the agenda. The Council felt that it should have more authority to set their own agenda, which is why their Rules have been amended over the years to make sure that they could do that,'

The Council is a separate branch of government, the legislative body. If you look at the City's organizational chart, the Common Council is on a line equal to the Mayor. The Council Clerk falls below the Council. There is no line to show that the Council Clerk is supervised in any way by the Mayor. She has not been supervised by the Mayor. At one time, between 1995 and 1997, there were some difficulties between the Council and the Mayor. The Mayor tried to set agendas and tell her, as the Council Clerk, what she could put on the agenda and what she could not. The Council actually banded together, adding items to the agenda when they could to circumvent what the Mayor was doing. She reiterates that this has happened before, but since 1997, when the Common Council had its own office, she did everything and was not supervised by the Mayor. At that time, Mayor Holzberg said that she was no longer signing time cards and no longer have her staff do any work, such as pay bills and other aspects in the Mayor's Office. That states that the Mayor was no longer going to supervise what was going on with the Common Council. It has been that way ever since. She has never had that Mayor tell her what to do regarding the Council. She has had a Mayor ask her to do research, which she was always willing to do. She thinks that the Council has the right to be the appointment authority. The Council can hire whom they want. They hire the person they think can do the job. She thinks that the first thing that has to be done is that the job description of the Common Council Clerk needs to be amended to take out the Deputy Mayor and put back the Majority Leader and Minority Leader as supervising. The Council Clerk really isn't supervised. The Clerk reports out to people. She takes direction, when need, but is not supervised. She had no one looking over her shoulder. She set her own work scheduled and that has it was for 27 years. She reiterates that the first thing to do is to amend the job description so it shows that, since the Mayor thinks that the Deputy Mayor is part of the that office, which makes the Council Clerk able to be supervised by them, it needs to be removed. The Council Clerk needs to go back to signing her own time card. She signed her own time card. Former Finance Director James Reynolds, who was the director for Middletown, set up procedures so that the Clerk could operate and pay bills in a timely fashion as long as two Councilmembers signed off on some things. Then things

could move through. It worked out. In short, there are rules in place for the Council Clerk to sign her own time card and to do other necessary things with the Finance Department.

She agrees with Councilwoman Mary Bartolotta that Section 2, Duties and Powers of the Mayor, where it says *administration of departments, agencies, and offices*, you might add: *Any staff hired by or for the Common Council are exempt from this section.* It is a very easy way to take the Council Clerk, any other staff that the legislative branch needs, out of supervision by the Mayor. It just doesn't work. You just don't get it. What if the Mayor comes to the Council Clerk and says, "Did Councilwoman so-and-so come in today and what is she asking for?" If the Council Clerk has to tell the Mayor because you are afraid that you will be fired or disciplined, then how can you be an objective Council Clerk? This is how she looks at this situation.

The last things is relative to the Corporation Counsel. They always say that the Corporation Counsel is the Mayor's attorney, but, actually, that person is there is help deal with political actions that occur, that need a legal opinion. It was done mostly to say that he General Counsel of the City, to maintain neutrality between the legislative body and the Mayor. The General Counsel is not the Mayor's counsel; rather, it is the City of Middletown's Counsel. Keeping Corporation Counsel is important.

She is neutral as to whether or not the Mayor should stay. As for the supervision of the Council Clerk, she needs protections so that she does not get supervised by the Mayor.

F. Hon. Benjamin Florsheim (Mayor):

Point of Order:

Commissioner Linda Salafia raises a point of order. She states that the Mayor is not on the agenda. She asks if the Commission needs to amend the agenda, noting that since he was not on the agenda, he cannot be added because of the Executive Order. She does not believe that they have public comment on this agenda.

The Chair asks Attorney Mednick is this was done correctly.

Attorney Mednick replies that the 24-hour rule, under the Executive Order, deals with publication of any documents being used at a meeting. He believes that, if the Chair, in his discretion, wants to add other speakers so they can join the Commission or simply amend the agenda under the General Statutes for a regular meeting. It is a regular meeting of the Commission, not a special meeting, so it can be amended. It is the general intent of the Mayor to invite the Mayor, it seems it is appropriate, he does not believe that the Executive Order would ban the ability to add the Mayor to the agenda.

The Chair states that he would be happy to have a motion.

Commissioner Edward McKeon moves to amend the agenda to allow the Mayor to speak, adding any other officials, or past officials, who are here and willing to share. Commissioner David Roane seconds the motion.

There being no discussion the Chair calls for a voice vote. The motion is approved by a vote of none (9) ayes and two (2) nay votes. (Ayes: Commissioners Aunger, Blanchard, Greaves, McKeon, Ribnicky, Rivera, Roane, Sweeney, and Wilson; Nay: Commissioners M. Salafia and L. Salafia.) The matter is approved.

The Chair calls on Mayor Florsheim.

The Mayor thanks the Commission for allowing him to speak, adding that he thought that he would be later on the agenda. He wanted to be here this evening because the LeClair Ryan report was going to be under discussion. Since there are items and recommendations in that report that impact the duties and responsibilities of the Mayor's office, he wants to speak to some of those. Many of those items are being discussed by the Commission and former Councilmembers, who have spoken. He appreciates the opportunity.

He realizes that he is the odd one out as a current elected official rather than a former one. There are differences in how he looks at things. In general, he thinks that a lot of what has been said that he agrees with as well as some points that he would like to make since he has now been in this office for a little over a year. He reiterates his thanks.

On the question, taken directly from the LeClair Ryan report, the question of the Mayor presiding over the Council, in theory he is agnostic. He thinks it works well, but if it were changes and a Councilmember were elected to preside in place of the Mayor, it would be less work for him. It would ensure time on Mondays for the person in the Mayor's Office. Councilman Daley made a salient point, the structure that exists – noting that in his experience, he has worked with many different municipal governments who have had every different structure in terms of Mayor and Council relationship as Mayor and legislative body relationship -- that could be imagined -- the current structure encourages, and in many ways requires, the legislative branch and executive branch to work together. In his experience he can count on one hand the

number of votes that we have taken that have not been unanimous. This that have not been are one defection, at most. They have had an effective working relationship between the executive and legislative branch and he thinks that this current structure favors that. Again, he thinks that there are ways to make a structure different from this to work. There is nothing inherently wrong with not having the executive office involved in legislative meetings, but he does think that in communities where that is the structure, it lends itself to a much more adversarial relationship between the branches of government. If he was voting, he would vote to maintain the current structure.

On the question of terms limits, it is not addressed in the report; however, he says that he likes staggered terms for the legislative body. He thinks it is important to stick with a 4-year term for the executive branch. Other municipalities are moving. Every time he talks to folks in State and local governments, if they are not in a 4-year term, they express interest in moving in that direction. It is an anachronism to have a 2-year term for municipal government. As others spoke, it is important to develop budgets and govern effectively. You are not constantly campaigning, as we can see from the way Congress operates. It does not lend itself to effective government.

On staffing for the Council, he thinks that is an issue that has been questioned in recent years. He agrees with this who have said that there could be more clarity in language, he agrees, the Charter does very clearly give the Council the ability to hire staff, if it wants to, in addition to what is already allotted. He also tends to agree with former Mayor Giuliano that it wouldn't necessarily, it would mean that just because the ability to do that is there doesn't necessarily mean that the Council should, create its own bureaucracy. Staff itself. If there are needs for that, the currant Charter provides for that. There would-be an ability to work in the legislative process to add additional staff. He also agrees that there could be more clarity in the language defining the relationship between the Common Council and the Mayor's Office and the role of the Council Clerk, which has come up in recent years. He does think that there would be labor implications to that, the way the position is currently structured, it is part of the City's classified service, part of the City's bargaining units. He thinks a real study into whether the Council could have an independent employee outside of the City classified service the State labor contract, under State law supersedes even the Charter at the local level and the ability to maintain the position as it is currently structured. If it were to move over to be reporting exclusively to the Council, he believes that this is something that they would need to be sure that they understand totally the labor implications of that. He agree that there could be clarifications and language added.

The thing that he feels that is in the LeClair Ryan report that he feel most strongly about and he really wants to be there to take about is the structure of the Office of General Counsel and how the Common Council, versus the Mayor is, by far, represented legally by the Corporation Counsel and the City Attorney, the Office of the General Counsel. He really wants to emphasize and be clear that the Common Council does have its own legal representation. It is housed in the office of the General Counsel. There is extensive legal precedent on this question and it is not unique to Middletown. In municipal law, the Office of the City Attorney – the Office of the General Counsel as it is called here - represents the City and, within the structure of the office there are, they make the determinations as to when the Council and the mayor are in conflict. They express that in the now in the current structure, under the current Charter to resolve legal conflicts before they become, before they arise, before they become actual legal disputes between the executive branch and the legislative branch, he has seen this happen many, many times since he has been in office he believes they have all seen this happen in previous iterations of Mayor and Council and he thinks it is really important to understands that the current structure of that office was established to try to do the same thing that this Charter Revision Commission was empaneled to do, which is to improve efficiency in City government and to reduce costs as this structure has. It has significantly reduced costs when it comes to the needs to hire outside counsel to represent it on legal matters. He understands that this Commission is putting forth provisions to ensure that the Council, if there is a conflict, to empower the Council to hire outside legal representation, if that is what they feel that they to do and vote to be able to do. He wants to emphasize that there is legal representation for the Council under the current structure. It's legal precedent on how municipal attorneys operate. Our City Attorney, Brig Smith, has published on this subject and a lot of the recommendations that came out of the report, especially in this issue area, would not serve the state purpose of this Commission, which is to improve efficiency in government. It is certainly worth having dialog on this issue, but, from where he sits, he wants to share his perspective that the Council does have representation, housed in the Office of General Counsel and it they - the City Attorneys – have a responsibility not to one way or the other but to the City as a whole. They advise him and the Council with that spirit in mind. He hopes that makes sense.

He will wrap up his comments here as he is close to time he appreciates the opportunity to be here this evening.

The Chair shifts the meeting back to Legal Counsel, Attorney Steven Mednick, to facilitate the Q&A part of the discussion.

Attorney Mednick apologizes for the earlier disconnect from the meeting connection. He takes a point of personal privilege. He was going to introduce the panelists, saying that he doesn't know any of the people, who were speaking and he was looking forward to hearing from them. The one person he did not hear in the panel discussion was his classmate for Fairfield University, Class of 1974, who is on the panel Gerald Daley, adding that he is pleased to see two former classmates in the same place after all these years.

They have gone through the rudiments. Sounds like everyone was focused on the issues that the Commission as looking at two (2) weeks ago when they heard from people from around the State. Tonight,

they heard the perspective of the incumbent Mayor, former Mayor, and former members of the Council. The time is now for questions.

QUESTION & ANSWER SESSION:

Councilman Edward McKeon states that this is a question that he asked at the last meeting. He would like to hear the opinion of the panel on the presentation of minority representation because there is a sense that by going to a certain ward structure, into party representation could disappear. He would like to gear their thoughts.

The Chair asks panelists to keep answers to a minute.

Former Councilman Gerald Daley states that minority representation is governed by State statute, she defers to Attorney Mednick to guide the Commission. That is another complication of the ward structure. It raises the issue of how to allocate committees. If the representation from one district is Chair of, say, Finance & Government Operations Commission, it could be perceived as having more power than someone in another district not serving on as influential of a committee. It gets very complicated. Minority representation under the statute, he is not well versed on exactly what the statutes says.

Former Councilman/ Former Mayor Seb Giuliano states it is the complexity of the wards that is the off part of it. If they do go to Board of Aldermen, then there is no minority representation requirement because your would have say a Council s 12 – all head-to head races, 12 different ballots and 12 different races. Right now, every citizen in Middletown has a dozen members of the Council representing them. Under the other system, citizens would be down to one Councilperson. The districts that we now have cold not be used as they would have to be roughly equivalent to population. That would be require a gerrymandering of the City. He does not think that the benefits to be gained by such a structure, if any, are outweighed by the burdens it would bring about. Right now, anyone in any part of town can contact any or all members of the Council. It would be a situation where they could contact the one Alderman from this ward while the other 11 Aldermen might not be terribly interested in their issue since it isn't their constituent. It would devolve into horse-trading. If you want my support on your issue, what will you give me? It happens, but not nearly as much as it would with a Board of Aldermen. He thinks they are looking to fix something that is not broken.

Former Councilwoman. Former Deputy Majority Leader Mary Bartolotta sticks with her opening comments on wards. She does believe that minority representation should stay. She is new to the subject matter of wards. In her experience, we all have the best intentions and want to get to every person. If you believe that someone is circling back under their committee or if a good communication did not happen. It allows for relationships to be built. The horse-trading should not be happening. It is part of the problem of politics and it happens now. People negotiate on the Council. They may not be on board fully with something they negotiate, but they turn around and say "okay" support me on this subject matter. That, to her, the horse-trading occurs that should not. We should stick to representing the people who elected us and do what is best for all. She thinks that minority representation is important, but how it can be done with wards, she would look to Attorney Mednick. She thinks it is something to consider.

Former Councilwoman Deborah Kleckowski states that she believes in minority representation since the City is not made up of one party. That could shift with minority and majority. We should think about not legislating to the current status. Regarding Former Councilman/ Mayor Giuliano's statement about wards, she adds that it is not just about the organizational challenge of wards, whether it is minority representation, 12 ballots, 12 voting places , reorganizing the City – but it also involves a cost and what would that be, printing costs, for example. Ideologically, she can understand people's perspectives of wards, but not at the loss of minority representation, which is important.

Marie Norwood state that, historically, this has come before Charter revisions numerous times and has been rejected in favor of minority representation.

Mayor Florsheim states that this is another one where he thinks in principal he is neutral or positive, It wouldn't make the most sense for Middletown, if he was building the Charter from scratch, he would probably design a district or ward system and he would not put Route 9 where it is downtown and on the water, the cost of tearing it up and getting rid of it would outweigh the benefits, he thinks that minority representation is there because of State statute and the at-large system, If they had wards, they would not have a minority representation requirement. He would vote to repeal the State statute, if he had a vote, because he it is anti-democratic – small "D" -- to have that in place. He thinks that the change to a ward system would not necessarily serve the representative democracy of Middletown now. He thinks that they have something that is working very effectively to represent the citizens and work more effectively with the Mayor's Office.

Attorney Mednick has a follow-up question to Commissioner McKeon's original question.

The Council Clerk asks for clarification: there are a few Common Councilmembers, who are attendees. May they be moved up to the panel, noting that they will also have the ability to speak. Former Councilwoman Kleckowski replies that, in his motion, Councilman McKeon said any other elected official. The Chair adds that they are includes in the motion, The Council Clerk thanks the Chair.

Attorney Mednick notes that Waterbury converted the New Haven aldermanic system from at-large to a ward system several years ago, creating multi-candidate districts, they have three (3) people representing

each ward to maintain minority party representation in each ward. There is no wipeout situation like New Haven, for example. He asks if it would that make a different to anyone relative to the ward system if you were able to have districts with minority party representation.

Former Councilman Daley asks how many members are there on the Board of Aldermen in Waterbury. He notes that he recalls hearing that there is at least one municipality that has a hybrid: it has wards, but they also have 10 district representatives and 5 at-large.

Attorney Mednick replies that Danbury, Hamden, and Norwalk have those systems. Former Councilman Daley suggests that may be more *(inaudible)*. The question is, as Former Mayor Giuliano mentioned, the cost. Not just the cost of the Councilmembers, but of administering an election. That all has to be weighed. He adds that former Council Clerk Marie Norwood made a great point: If you have not already, dug into the archives and get previous Charter revision reports, which may have addresses some these same issues that we are now grappling with. He thinks that would be a help in preserving minority representation, but he would be concerned of the cost. He does not know how many are on the Waterbury Council, but he suspects that there are more than 12 members.

Attorney Mednick replies that there are more than 12, more like 20, adding that it is not 30 or 40 members like Stamford and New Haven.

Former Councilman Giuliano states that he is thinking along the same lines: how big do we need to make the Council to accommodate something like that, The hybrid ones he would call a platypus: is it a mammal, a bird **. . .** if you are doing something, do one or the other. He thinks that a hybrid system would be more complicated. If you want to do wards, noting as the mayor said, if you go to wards, there is no minority representation since you cannot tell one ward that there are too many aldermen from one party so you need to elect the other party. That cannot be done there would be individual head-to-hear races between candidates. This is back to **. . .** right now everyone gets the same ballot. With wards, there would be a different ballot for as many wards as they have. It is very complicated. What you get does not outweigh the burden. The minority representation component, as he looks at Middletown and the districts, which could not be used because of unequal population, some ends of town tend to vote Republican. He does not think it would be slam dunk if they went to wards. That is not his objection, but his objection is that it is too costly, too confusing, and you lose a great deal. Middletown is not so big that everyone cannot get in touch with the Councilmember that they want or all Councilmembers. He does not think that is the reason. This is long answer to the question: No, it would not change his view on wards.

The Chair calls Councilman Eugene Nocera, followed by Former Councilwoman Mary Bartolotta.

Councilman Eugene Nocera welcomes everyone. He has a WebEx connection issue with audio. His question is: they had representative from other communities at the last meeting, who did a great job representing. The one model that appealed to him was the Danbury model with a strong mayor and Councilmembers at-large. The structure of the Council was different: there is a Majority Leader, Minority Leader, and President. He is particularly interested in the organization of the Council. The size of this community does not lend itself well to wards. He agrees with former Mayor Giuliano. We have 45,000 people in Middletown and our community can get to any of the Councilmembers. People are used to this format and it works. The structure of the Council is what we should look at. He asks what people's opinions are of the Danbury model, which is a strong Mayor with Councilmembers at large.

The Chair states that to save time, a lot of this was covered by the panelists regarding structure and presiding officers. Does everyone agree?

Attorney Medick concurs.

The Chair states that notes will be available from each panelist's notes. He calls on Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta states that Councilman McKeon asked a question, which Attorney Mednick answered, saying describing the Waterbury wards. She recounts that she understands that there are three (3) elected official per ward to keep minority representation.

Attorney Mednick confirms, adding that Waterbury has 15 members and so they have five (5) wards with three (3) members each. They went from an at-large system to a ward system that maintains minority representation. He is not advocating, juts describing different models.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta states that she is also learning about these other systems, having taken in information at the last meeting. From her perspective, this exercise needs to continue. She understands the concerns about costs, but having been Deputy Majority Leader and Acting Majority Leader, she knows that there are times when you felt that someone else was following up and members of the pubic did fall through the cracks. That is why she is interested in the discussion on wards. Although all councilmembers can be contacted, every Councilmember knows that people fell through the cracks. Wards may be a better way, possibly, to address that and build those relationships.

The Chair asks for any responses.

Former Mayor Sebastian Giuliano states that his only response is as Councilman Daley said at the outset: a lot depends on the people you have there. There is no one format that we can pick which will guarantee that people won't fall through the cracks if the individuals, who are in office, do their jobs to the best of their ability or are lax. At the end of the day, there is the human factor – electing people – all who have different abilities, interests, so there is no way to get rid of that whether you have wards or at-large, It is still going to boil down to the people, who are there. The single greatest determining factor is to how much constituent service there will be.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta replies that what one person meant to or if it just happened that someone fell through the cracks, it just happens. You do what you can. Having one point of contact for your area in Middletown, that you can build a relationship with, if that Councilmember, to Councilman Giuliano's point – their professionalism, their follow-through -- that becomes apparent. Say if South Fire district was a ward, the district is not getting back to their residents then you can hold that person accountable for not doing that. That brings to light that you can't pass the buck. They can still reach out to other Councilmembers. In the end, when it comes to a vote, it is the responsibility of that Councilmember to bring something forward.

The Chair asks if there are any other questions for members of the Commission, things that they would like to address.

The Chair calls on Commissioner David Roane.

Commissioner Roane states that he has a couple of questions. Everyone spoke to the Council election: wards or at-large, as it presently is. He didn't hear anyone speak to the fact, if it is either way, he wants to go back to the question as to whether the Mayor should be running the Council meetings or if a member of the Council should do so. If it was chosen that the Mayor not be on the Council, he asks if others think that going to a 13 member Council would be appropriate.

Former Mayor Sebastian Giuliano replies that the Council could stay at 12. The simplest way is to change one statement on Charter IV, Section 2 (Duties and Powers of the Mayor) that gives the Mayor power to preside over Council meetings and break ties. Ties do not need to be broke. A tie simply means that, whatever that business was, it didn't get a majority of the votes, so it would fail. If you want to ensure that fewer ties come out by having people in the Council that requires more changes to the Charter. Right now, the Charter sets the Council at 12. There is nothing wrong with doing that. The other thing, in the interest of full and fair disclosure, if you go to a 13 member Council that will be a minority seat if you stay at-large. You cannot have 9 and 4 under State law, cannot have more than 2/3 of a body that big. That is another consideration: are you willing to give the minority another seat. Great for him; he thinks it would be g a great idea, but he can see where others might not want to do that. They can leave it at 12. In six (6) years as Mayor and six (6) years on Council, he only had three (3) ties: two while as Mayor and he declined to break both of them and one (1) while Mayor Drew was in office and, as he recalls, the Mayor did break that tie. It doesn't happen that often so there is nothing magical about 13 seats or an odd number of seats.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta states that 13 seats would be appropriate, especially if the Commission is thinking of having a Council president. The Charter says that the Council has the right to make those changes. She thinks 13 is not a burden, and if can work with a President, it would be a good choice.

Former Councilman Gerald Daley states that, to reiterate what he said at the outset, he thinks that, absent a compelling reason to remove the Mayor as the presiding offer of the council meetings, he thinks it diminishes accountability, creates a perception of ales cohesive City government, and doesn't make sense. He doesn't know what the rational is. He notes that Mayor Florsheim made some excellent comments, although he defers on taking a hard and fast position, mentioning some of his comments: that it creates a more adversarial atmosphere. We certainly don't want the Mayor stepping on the Council's toes, or the Council stepping on the Mayor's toes. He thinks that we can all agree what we don't need is more of a sense of division and adversarial between the Council and the Mayor. Citizens expect and deserve that, after the election, politics takes a back seat, although not completely. People work together for the good of the City. He urges them not to do anything with Charter revision that would be contrary to that. He served on the Council under five (5) Mayors over 26 years, and served four (4) years as the Mayor's Administrative Assistant – or Chief of Staff, or whatever name you are changing in the Charter – for another Mayor. They all had issues and difference with the Council, but the common denominator was to try to work together for the good of the City. It is important to keep that in mind that you need to make sure the Mayor and Council view themselves as partners, not as adversaries.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta replies that she does not think it creates an adversarial situations. Having the Mayor presiding over the legislative body, if anything, gives the perception that the Mayor is somehow in charge of the legislative body, being in that rook in those meetings for eight (8) years and, as Former Mayor & Councilmember Sebastian Giuliano mentioned, he was able to keep control over a Council during these meetings even though it was his party as the majority. That speaks volumes as to what occurred. For her, there was nothing adversarial taking place. There clearly need to be two sections of our government -- legislative and executive – and they need to do the job that they are elected to do. When the executive branch in in a room where you have been contacted or they are leading the meeting, she has witnessed other councilmembers change their minds based on feelings of intimidation by the Mayor. That should not happen.

The Chair states that they will take questions for a few more minutes and then get back to the agenda. He asks Commissioner Roane if he has another questions.

Commissioner Roane states that, right now, the Council has no formal mechanism to correct the Mayor of the City when there is wrongdoing, intentional or not. His question to those present is: "Should the Charter be amended to provide for censure of the Mayor?"

Former Mayor Giuliano replies that he thinks that this is opening a really big can of worms. With that. If you want to talk about things that create an adversarial relationship, that's guaranteed to. If there is actionable wrongdoing, there are other legal mechanisms to do that. You don't want to take something that is intended to deal with serious instances of wrongdoing and turn it into a political cudgel. Something like the ability to censure has the danger of doing that. He does not see that Middletown has been rife with such instances that such a response has been necessary or contemplated that we need to put something like that in place, It opens the door for the makings of that, as well intentioned as it is. He can see it being misused. He does not think that they need to do that.

Former Councilwoman Deborah Kleckowski notes that they have had those situations and the Council does have investigative powers. There have been ethics complaints filed and the mayor found in violation of the Code of Ethics. These avenues are still there. As an aside, she believes that the Ethics Ordinance needs to be reviewed and refined. It is not good, not consistent. That said, there have been filings against the Mayor and the Ethics Commission did find a particular Mayor in violation. The Council does have investigative powers, so these things do exists currently.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta states that she agrees that censuring is something that could be in the Charter. Unfortunately, after an investigation, the question was what we could do, what could we not do. It was not a good situation. The employees of the City were just terrified that there was nothing that the Council could do. The censure process, if included in the Charter, needs to be a supermajority so that it cannot be misused as a political tool. She thinks that would help offset it becoming a political toll. You want it to be one that is used in special circumstances and let the public know what is going on with the executive branch, if something went that far and it was required.

The Chair asks if there are any additional comments.

Former Councilman Gerald Daley states that Former Mayor Giuliano's and Councilwoman Kleckowski's comments were spot on. There are mechanisms in place and any formal mention of a censure authority would pose great risk.

The Chair asks if here are any other questions. The Chair calls on Commission William Wilson.

Commission Wilson asks why the Council Clerk is even a consideration under the Mayor when they are hired by the Council. There were three (3) Councilmembers who hired the individual. To him, it states in the Charter, noting that perhaps the working needs to be made stronger. To hi it makes zero sense that anyone thinks it falls under the Mayor at all. It is strictly under the Council's purview. Why are we playing semantics with the things that are going on? It is in the wording. If we need to strengthen the wording, let's do that. At the same time, we are playing footsie with something that has been established for a number of years. It has only changed over the last six (6) years. He asks why that is. Again, this is something that is clear in the Charter now, but maybe we need to fortify the working so it is on a stronger plain. It seems that we are kicking around something that does not need to be kicked around. He adds that, noting that he is curious from the four (4) Councilmembers who spoke, what are their thoughts. It seems like such a non-issue.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta states that it should be a non-issue. As she stated in her opening remarks, we didn't even know that we had an issue until the Mayor's office – the executive branch – and the General Counsel's Office asserted that the Mayor has oversight. This evening, the current Mayor stated that he felt that there might be an issue with labor and management. She notes that, for 20 years, the last Clerk was represented in the same way as the current clerk and we never had a labor management issue. She finds that to be the loophole that the executive branch uses to insert themselves into the legislative branch. It is uncalled for and is disrespectful to the public. She reiterates: there is a reason that we have a legislative branch and executive branch, If it worked for 20 years and the union never had a gripe, she does not see how that is being utilized. As she said at the beginning, some language that could remedy the situation and clarify, she believes former Council Clerk Marie Norwood pointed out an example that's holds up what she is saying, This needs to be done, but we also need the executive branch to stay out of the Council Clerk's Office.

Former Mayor Giuliano replies that what Mary Bartolotta just said is exactly correct. Until now – until recently - this has not been an issue for anybody. Since the position existed, going back to 1989, the separate Council Clerk position, it has been recognized as a position owned by the Council. In terms of being part of the bargaining unit, the Union at the time -- MMP, the manager's union – claimed the position because it was not considered a confidential position like the Executive Secretary for the Mayor. That is why they claimed the position. If what they are hanging their hat on is Article IV, Section2 (Duties and Powers of the Mayor), that the Mayor is responsible for the administration of all departments, agencies, and offices, that was always known to mean the executive branch departments, agencies, and offices. If you want to clear that up, then just add these two (2) words right there: *Except as otherwise provided by law, the Mayor shall be directly responsible for the administration of all* ***Executive Branch*** *Departments, Agencies and Offices* **. . .** making it clear that he is not responsible for offices, agencies and departments

that are not part of the executive branch. If you want to clear it up, adding that it was always understood. It is surprising that you do have to fix that. Up until recently, it has not been an issue.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta adds that it has only been an issue for the last three (3) years. It was not an issue before that. As former Council Clerk Marie Norwood stated, other than the issue that she described at the beginning of this meeting, it was never something that we had to deal with, even had to acknowledge, because as we all read the Charter it was clear that the Council chose who they wanted. Even after this job was posted, when it was being vacated by Marie Norwood, it was posted inside, it was interviewed by Former Mayor Giuliano, Councilman Gerald Daley and Majority Leader Councilman Tom Serra. They delivered the name. She also has copies of all of the letters sent to the current Clerk and it all stated that they were just affirming the position that was posted. She does not understands why this is an argument. Being on the end, it went through with the former administration was literally intimidating the Clerk to find out information of the legislative body and that is just so improper. To the fact that being threatened – adding that she has the backup form the General Counsel saying, "You work for me. I am your supervisor," sated with that authority. That is a toxic work environment for our Clerk and it also undermines the work of the legislative body. It is reprehensible that it is even taking place. We should be focusing on what we need to get done, in our separate lanes. There separate lanes are important. We need to build relationships with the executive branch, she agrees with that completely, but we need to stay in our lanes. We need to respect residents of Middletown and do just that and stop this from happening, When you are threatening the Council Clerk – you work for me and you will give me that information or I will charge you with insubordination – is just an example of some of the things that have taken place. To bel clear, there is no classification issue in 20 years. The reason they did not put this position in the exempt group is that they said that the Clerk's Office did not deal with confidential information. She disagrees with that, but it has been in the classified and it has worked. That also took place to protect the individual filling the Clerk's position so that they were Giana ranted their pension, guaranteed their benefits, and treated with the respect they deserve. That is the reason that we have that position in the classified. It should not be the loophole.

Former Council Clerk Marie Norwood adds that the Charter states that any new job descriptions have to be in the classified plan, so any time you modify the Council Clerk's job or crate anything new, it has to go into the classification plan. Another way around it is under the definition of the classified services where it says "except the chief of staff" add in the Council Clerk so that she has some protection going forward. Marie Norwood explains that she had to be made whole because she was guided by the Common Council and, when she went to talk about retirement, all of a sudden it was a question as whether or not she should get her pension after paying into the plan. You have to be classified to have City benefits. She notes that Former Councilman Giuliano made a good point: *the administration of all Departments, Agencies and Offices.* The legislative office is a spate branch; it is not part of the executive department, which should be enough of an interpretation not to have the Clerk have to deal with the Mayor expect for making sure that resolutions and appropriations get on the agenda appropriately with a Council signature, following the Couric rules. That is what she did the only other thing she did for the Mayor was keeping the Committees and Commission booklet up to date. If the Mayor had a question on a Council meeting, she would find that meeting and whatever language. That is all she ever did with regard to the Mayor's Office. Truly, since 1997, when the office was formed, and she thanks Joe Milardo for this, he is the one who stepped up to the plate when she was being harassed by the then-Mayor and her Chief of Staff, and went to the Council She was told to do whatever the Mayor says and he went to the Council. The Council took control and voted to put all of the item back on the aged, which told that Mayor that it's the legislative body and would control the meetings, what goes on the agenda according to its rules. All of the Councils that she worked with have been wonderful, noting that she had a great experience. She is so sorry that this issue of supervision is even occurring. Thank you.

Former Mayor Giuliano concurs, saying that he can attest to all what former Council Clerk Marie Norwood has said. No one is contemplating a complete breakdown of communications between the Council Clerk's office and the Mayor's Office. As former Councilman Daley said, City government is a team, there are things to get done. He recounts that, when he was in the Mayor's office, he conversed with Council Clerk Marie Norwood on an almost weekly basis, but it was to coordinate what was going on. He never directed her actions or even thought about doing so. He never considered her anything but the Council Clerk, the Common Council's employee, not his. It is a shame that we have to write something into the Charter to get back to that.

Former Councilman Daley notes that, as former Council Clerk Marie Norwood will recall, he was the Majority Leader when that issue arose. As she said, the Council took control and did what we had to do. He says it is clear to him that no employee – whether working for the Council or the Mayor or the Public Works Supervisor – should be subjected to any kind of intimidation, harassment or whatever. That should not be. There should be policies and mechanisms in the City to protect every employee, regardless of who they report to, from that inappropriate treatment. He urges that the Commission not discount the importance of the Municipal Employee Relations Act (MERA), the applicability of City personnel rules, the pension question that former Council Clerk Marie Norwood alluded to. Just be careful that, whatever you recommend or do, that you do no harm, that there are no unintended consequences that you may not foresee. The other point, not subject to what the panel discussion is, he has a question on the redlined report that was shared. The proposed Charter VI, Section 1C4, talks about application of veto and basically says that only the whole budget can be vetoed. In Section H1, it talks about anything can be amended, deleted, changed. He wants to be sure that there is not conflict. As he understand it, the current Charter does allow for the Mayor to provide a line item veto. If the intent is to eliminate that, it needs to be highlighted. The other thing we have talked a lot about the Mayor intruding on the Council's responsibility

and authority. He recommends strengthening language that says that the Councilmembers have no authority to get involved in administrative matters, executive matters of the administration of City departments. He believes, through his many years, that was the most detrimental issue that he recalls in terms of the functioning of the government was that there were some Councilmembers, who did not understand that the boundaries of their authority and thought that they should delve into administrative matters within departments. He strongly recommends that language be added to address that.

The Chair calls on Attorney Mednick.

Attorney Mednick notes that there should be no change in that section, The only things that we did was break it up organizationally, but he will double-check and see if, in translation, something went away It should be exactly what is in the Charter now.

Former Councilman Daley notes that the concept of the capital budget put a different spin. He thinks that the intention is to say that the capital budget and the operating budget are all part of one fiscal budget and that is where the applicability of the veto was intended to address.

Former Mayor Giuliano states that the exercise of line item veto is very complicated because, if you veto an expenditure, you have to also veto something on the revenue side to make it balance. It is very tricky to do so because you have to pass a balanced budget. One objection that he made was, now it is out of whack, leaving something like $250,000 of unaccounted money because the Mayor had neglected to veto the revenue side, correspondingly with the expenditure side. If you want to make it an 'all or nothing,' it's probably cleaner, more understandable. It's more of a cudgel. Line items are very tricky if you are exercising vetoes on them.

The Chair wants to extend the courtesy to other current Councilmembers, who have joined the meeting: Councilmembers Pessina, Ford, Gennaro, Blackwell, and Faulkner. He wants them to speak if they wish.

The Chair calls on Councilman Philip Pessina.

Councilman Pessina states that he joined this meeting after Public Works & Facilities Commission. He will decline to speak at this time since he only heard part of the comments. He reiterates his thanks.

Councilwoman Linda Salafia, speaking as a member of the Commission, notes that, at the beginning of the meeting, they were talking about not hiring a Corporation Counsel, but using the City Attorney's Office as a parliamentarian and reserving the right to hire an attorney should they have occasion to do so. She wonders if he panel members can succinctly share their opinions.

Former Councilwoman Deborah Kleckowski states that it is an issue that needs to be looked at. She thinks that the Council should have its own attorney. It is a conflict of interest, or a conflict arises, when Councilmembers go to the City Attorney and can you count on confidentiality that it won't be a direct line to the Mayor. The Corporation Counsel, regarding having him sit as the parliamentarian, her only issue is that they need to sit at every meeting. No one would know when a legal opinion would arise or a question as to how the meeting would have to go forward with Robert's Rules, items that the current Corporation Counsel has had to address. That is her concern: (1) the City Attorney would have to attend every meeting and (2) there could be some discussion of the role of the Corporation Counsel, specifically, who does that person report to, can that person be contacted outside of the Council meeting for questions.

Former Mayor Giuliano states that the proper role of the City Attorney – the General Counsel - is to represent the corporate entity known as the City of Middletown to 3rd parties, entities on the outside. Putting the City Attorney's office in the middle of the dynamics between the executive branch and legislative branch, they cannot take sides. They can certainly mediate a dispute, but, if they cannot mediate the dispute, they cannot pick one side of the other. They are out of it, they owe the same duty to both branches of government. To the extent that the City Attorney's Office has been used that way, is improper. Every administration in recent memory has been guilty of that. The Corporation Counsel, under the Charter, is part of the Mayor's Office. As long as the Mayor is presiding over Council meetings, then the Corporation Counsel is going to act as his/her parliamentarian. If the Mayor is out, then the Council should get its own. The Corporation Counsel receives a stipend comparable to what Councilmembers receive. There is nothing that says that they cannot make another stipend for an attorney for the Common Council to act as parliamentarian or to advise the Council on political questions, which, as former Council Clerk Marie Norwood said, is really the duty of the Corporation Counsel: to advise on political issues. The City Attorney should not be getting into that. They should be saying here are the interests of the City of Middletown dealing with anything outside of the City, outside of the corporate body known as the City. He thinks that requires more discussion. Is that an issue for the Charter? He doesn't know. He thinks that the Council could do that under its authority to hire such staff as it deemed appropriate.

Former Councilman Daley notes that Former Mayor Giuliano may have a bit of an approach here. He thinks that the one thing that needs to be represented is that the Office of General Counsel represents the City, not the Mayor, not the Council, but the City, It would not make sense, and he thinks that Mayor Florsheim alluded to this. We need to be careful that we don't; have battling attorneys. That does not benefit the City. You don't want the Council attorney suing the Mayor's attorney. It can get very messy. If you think of the Council needing legal advice perhaps the best structure is to keep the Corporation Counsel as the parliamentarian, and let there be a Majority Counsel and a Minority Counsel so that the members of the majority can have a legal advisor and members of the minority can have a legal advisor, but they don't have

authority to represent the Council as a whole. In legal action. Another issue, and until the last three years, there was no issue. People worked together. You need to focus on getting back to that and no draw battle lines.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta states that she agrees with Councilman Giuliano as to the use of the General Counsel's Office for the representation of the legislative body at Council meetings. It is in the Charter that the legislative body could put in their budget to obtain a parliamentarian for their meetings and she thinks that would be the best choice. She does not see why the Majority and Minority Leaders could not refer to that parliamentarian. When we are discussing the General Counsel's Office, as Councilwoman Kleckowski mentioned, it was the image of a pipeline. We dealt with some issue in dealing with the General Counsel's Office and it was explained to her and Councilman Giuliano that they report to the Mayor; that the Mayor is their immediate supervisor. So when we asked for feedback, we received some, but there is definitely as issue on what it needs to be. She agrees that should not come from there, but that there should be an independent parliamentarian for the Council meetings, for the legislative body on a part-time basis the other issue is, when and if the Couric, for whatever reason, the Council needs an attorney for a full-time investigation matter or other issue, they could take a vote so that it does not need to be a full-time attorney.

The Chair states that, if no one has any other comments, he thanks the panelists for joining the meeting tonight. He encourages the Commission meets to reach out to these Councilmembers, who have great knowledge as to how the Couric works and have witnessed other Charter revisions throughout the City's history.

The Chair calls on Commissioner Molly Salafia.

Commissioner Molly Salafia states that the City Attorney, in the past there has been the same confusion or conflict of interest with Planning & Zoning, not having a separate the attorney. We ask a question; are we doing this right or di the City ask correctly. You ask the question and the answer is always going to be "yes," because their obligation is to mitigate risk against the City and argue in the City's favor of the Planning & Zoning member's favor. They don't represent the members themselves, but the City's interest. Maybe that is something to look at when we get to that discussion.

Former Councilwoman Deborah Kleckowski agrees as a former member of Planning & Zoning for 5 or 6 years. That was an issue on several occasions.

Commissioner Molly Salafia states that it is confusing for members. They will say, "Let's have the City Attorney weigh in." Well, you may be doing something wrong, but their job is to argue in a civil lawsuit that we are doing it right. Not that it is unethical or wrong, but their job is to mitigate the City's risk and exposure to lawsuits. On the Commission, you have a conflict because you want to do what is right for citizens per the Zoning Regulations, especially procedurally. It is something to look at: the role of the attorneys advising commissions and Council and perhaps the Board of Education, too.

Former Mayor Giuliano states that this sounds like an issue. If the City Attorney represents members of the Panning & Zoning Commission have a question and they are looking for legal advice then it would be proper for that Commission to go into executive session to get legal advice from their attorney. He states that Commissioner Molly Salafia is correct: the City Attorney's job is to defend the actions of the Planning & Zoning Commission when they act. They are not going to sit there and risk exposing the Commission or its members to liability in the middle of a meeting by saying that they are about to do something illegal because they may have to defend you. He does not know if a plethora of attorneys for every board and commission is something that we need. If it is a sensitive issue because you are receiving legal advice, which is privileged information, it would be appropriate to go into executive session to receive legal advice.

Commission Molly Salafia replies that is good advice.

The Chair encourages everyone to reach out to the panelists who participated this evening and provided significant knowledge and experience on the topics discussed tonight and that will be discussed in the coming weeks. Likewise, if panelists have any advice or suggestions to offer Commission members, they would be greatly appreciative.

Former Mayor Giuliano states that he will sign off and suggests that other panelists consider doing so as well since their presence may give rise to more questions. He will be happy to come back if invited again he thanks the Commission for including him, and he enjoyed conversing with them.

Former Councilwoman/Former Deputy Majority Leader Mary Bartolotta also invites Commission members to reach out.

4. Preliminary Discussion: Role of the Common Council – Direction to Counsel

The Chair states that a great deal of this has been addressed during the discussion.

Attorney Mednick states that the Commission needs to start thinking about where it wants to go, adding that is too much for tonight. That is all that this suggests.

The Chair states that this was kicked back to Attorney Mednick a couple of meetings ago. He asks if here is any update.

Attorney Medick explains that it depends on what the Commission wants to do. They need to make decisions about maintaining at-large or going to another form; do they want to have a President; do they want the Mayor to preside, not to preside. This is the direction that he is looking for, reiterating that it is probably too much to do now. They can hold this off to the next meeting. He can give the Commission his theories and advice, but he is not the City of Middletown. The Commission need to think about what it wants to do for its town. The Commission needs to grapple with this. This is on the agenda to tickle it.

The Chair states that this is clear. He suggests and approach. The Commission has heard from officials in other communities that have a variety of different makeups for their Councils as well as for leadership. We have also heard from members of our own community in Middletown, he suggests that a good idea is for the Commission to hold a special meeting either next Tuesday or Thursday at 7:00 PM just on this issue. They will need to come to a consensus and a majority of the Commission will vote as whether to go to a ward or district system or stay at-large with minority party representation. They will vote on whether or not to remove the Mayor as the presiding officer. He thinks that this will take a good hour for everyone to dive in and give their own insights. He thinks that everyone should use the next week to meditate on this, to reach out to any of the previous panelists. This may be the best way to go.

Attorney Mednick reminds everyone that they all have background document No 1, which was handed out at the last meeting. He can re-sent. It gives all provisions of the Charter under the Council and gives comparative information as to what other cities look like in terms of structures.

The Chair states that they may all decide that the problem doesn't exist and they are only creating another obstacle; to leave it as is: "If it ain't broke, don't fix it." They could discuss this all night, but everyone needs to spend time and reflect on wat they have heard. He asks if everyone is on board with this.

The Council Clerk asks what date is designated for this special meeting.

The Chair replies that he sent out an email and Thursdays work for most folks. He asks if anyone has difficulty with next Thursday. Attorney Mednick replies that he has a meeting with the Hartford City Council, but should be available by about 7:30 PM, if they can start a little later.

The Chair asks if Tuesday, March 16th, is available for the Commissioners.

The consensus is yes.

The Chair announces that the special meeting will be held on Tuesday, March 16, 2021 at 7:00 PM. He promises to keep it for about an hour, hour and a half. He asks everyone to come prepared so that they can send something forward to the Council. He will speak with Attorney Mednick as to how to break the agenda into segments -- districts, presiding officer, and staff – each area to be covered.

Attorney Mednick will send out a memo on each of the areas that have been covered and the Commission needs to think about to frame the discussion.

The Chair adds that, having spoken with Attorney Mednick, the Commission is moving along quite well with the timeline.

5. Action Items:

CHAPTER C

CHARTER

OF THE

CITY OF MIDDLETOWN

Charter Revision Commission 2020-2021

C - 6 (SGM Version 4 – 10 February 2021)

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CHAPTER I: INCORPORATION, GENERAL POWERS AND CONSTRUCTION OF THE CHARTER OF THE CITY OF MIDDLETOWN

SECTION 1. TITLE[1].

The title of this Act shall be the "Charter of the City of Middletown".

SECTION 2: DEFINITIONS AND TITLES GENERALLY[2][S1].

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 3: DEFINITIONS[3].

Whenever used in this Charter:

A. *"Board" or "Commission[4]". 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 City, whether elected or appointed.*

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

C. *"Charter" shall mean the Charter of the City of Middletown.*

D. *"City" shall mean the City of Middletown.*

E. *Classified Service[6] means and shall include all non-elective officers and both full time and regular part-time employees of the City, including the secretarial and clerical staff of the Mayor's office and personnel employed by the Board of Education not requiring certification by the State Board of Education, and appointees to all positions now or hereafter created except the Chief of Staff to the Mayor[7], the Board of Education's Director of Facilities, the Board of Education's Paraprofessionals, the Corporation Counsel, Department Heads and assistant Department Heads of said City, persons employed in the professional capacity, those retained to make or conduct a temporary or special inquiry, task, study or investigation, and any persons employed for a temporary period not exceeding three months in any one Department.*

F. *"Council" or "Common Council[8]" means the Common Council of the City, 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 City is closed for business, the deadline shall be extended through the close of the next City business day; unless otherwise required by Law.*

H. *"Department" means any major functional or administrative division of the City, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the City. 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 City; 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 City" 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 City. The Elected Officials of the City are set forth in §3-3.A (1) of this Charter.*

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[1] NEW (2021)
[2] NEW (2021).
[3] NEW (2021).
[4] NEW (2021).
[5] NEW (2021).
[6] Recodification and modification of Article X, Section 1.A.
[7] Modification of Chapter I, Sec. 3.E (Change "Administrative Assistant" to "Chief of Staff").
[8] Required by C.G.S. §7-193(a)(1)(C).

K. *"Elector[9]" shall have the meaning contained in the General Statutes.*

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

M. *"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.*

N. *"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.*

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

P. *"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 City Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings. In addition to the above-referenced postings, the City may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a daily newspaper of general circulation distributed in the City. 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.*

Q. *"Official" or "Public Official" means an individual who holds an elected or appointed municipal office in the City; including but not limited to Elected Officials of the City; employees appointed subject to Chapter V, Sec. 2.A and 3.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 by synonymous with the term "Official".*

R. *"Order" 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 shall be enacted in accordance with the provisions of this Charter.*

S. *"Ordinances" 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..*

T. *"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 City Hall designated by the City Clerk in order to assure sufficient disclosure to and access by the public; (2) in the central City Library (and each branch of the City Library); (3) on the City 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 City.*

U. *"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.*

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

W. *"State" or "Connecticut" shall mean the State of Connecticut.*

X. *"State Constitution" shall mean the Constitution of the State of Connecticut.*

Y. *"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".*

Z. *"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.*

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[9] 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".

AA. *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 words "must" or "required" should be used in order to impose clarity on the concept of the obligations of the party referred to in this Charter or the Ordinances .*

SECTION 4. INCORPORATION[10]

All the inhabitants dwelling within the territorial limits of the City of Middletown, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The City of Middletown," hereinafter called "the City," and, as such, shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said City and not inconsistent with the provisions of this Charter and the additional powers and privileges conferred upon cities under the General Laws of the State of Connecticut.

SECTION 5. RIGHTS AND OBLIGATIONS[11].

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 City as of the effective date of this Charter are continued in said City and said City shall continue to be liable for all debts and obligations of every kind for which said City shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said City to collect any assessment, charge, debt or obligation. If any contract has been entered into by said City prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said City which contains provisions 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 City.

SECTION 6. GENERAL GRANT OF POWERS[12].

In addition to all powers granted to cities under the Constitution and General Statutes, the City shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States or any Federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and 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.

SECTION 7. ASSESSMENT OF BENEFITS, AWARD OF DAMAGES[13].

The City of Middletown may by Resolution of its Common Council assess benefits against any property benefited by any public work or improvement and may award damages to any owner of property damaged by, or taken for, any such public work or improvement, and shall have a lien against the property so benefited for the fair share of the cost of such public work or improvement as the Common Council may determine and the owner of such properties shall have such rights and the City such power and authority with respect to such assessments and awards as are provided in the General Statutes.

CHAPTER II: OFFICERS AND ELECTIONS

SECTION 1. STATE AND FEDERAL OFFICERS[14].

~~*A.*~~ ***Nomination and Election of State and Federal Officials; Role of the Registrars of Voters[15].*** *Nomination and election of State and Federal Officers, State Senators and Representatives, Judge of Probate and two Registrars of Voters[S2], shall be conducted and the Registrars of Voters shall prepare lists of Electors qualified to vote, therefore, in the manner prescribed by the Constitution and the General and Special Laws of this State applicable to the City of Middletown.*

~~***Transition to Four Year Term for Registrars of Voters.*** *With the adoption of this Charter provision, the Registrars of Voters will be elected to a two-year term in the November, 2014 general election and a two-year term in the November, 2016 general election. Beginning with the November, 2018 general election, the Registrars of Voters will be elected to four-year terms, which elections will coincide thereafter with the State gubernatorial general elections in November[S3].~~ .

SECTION 2. ELECTED OFFICIALS - MUNICIPAL OFFICERS.

The Elected Officials of the City shall be: Mayor, twelve (12) Members of the Common Council, Treasurer, Nine (9) Members of the Board of Education, three (3) Members of the Board of Tax Review, and seven (7) members and three (3) alternate members of the Planning and Zoning Commission.

SECTION 3. RESTRICTIONS ON ELECTED OFFICIALS.

No Elected Official of the City, during the full term of the office for which said official was elected, shall be eligible for appointment to any salaried position except to the positions of Corporation Counsel and Mayor's Chief of Staff[16][S4] within the City Government. Persons being so appointed must resign from the elected office.

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[10] Recodification of Chapter, Section 1.
[11] Recodification of Chapter, Section 2.
[12] Recodification of Chapter, Section 3.
[13] Recodification of Chapter, Section 4.
[14] Amended 11-4-2014
[15] Modification of Chapter II, Sec. 1 (elimination of the position of "Sheriff").
[16] Modification of Chapter III, Sec. 3 (Change "Administrative Assistant" to "Chief of Staff").

SECTION 4. MUNICIPAL ELECTIONS; TERM OF OFFICE; LIMITATION OF POWERS[17].

A. ***Term of Office.*** *The term of office for all Elected Officials will be four (4) years.*

B. ***Date of Election.*** *A meeting of the Electors of the City of Middletown shall be held biennially on the Tuesday after the first Monday of November of the odd-numbered years for the purpose of electing Officials to such Municipal Offices as are provided for in this Charter the terms of which are to expire.*

1. At the first Biennial Election following adoption of this Charter provision, all Elected Officials will appear on the ballot except for the four (4) longest-serving Board of Education members, three (3) longest-serving Planning and Zoning Commissioners, and one (1) longest serving alternate Planning and Zoning Commissioners.

2. The remaining officials will appear on the off-year Biennial Election, to be held on the Tuesday after the first Monday of November of the next odd-numbered year.

C. ***Commencement of the Term of Office.*** *The Term of Office for all Elected Officials of the City, except as otherwise provided by Law, shall commence at 12 o'clock Noon on the Tuesday following the certification of election of each such Elected Official by the City/Town Clerk of the City and shall continue until 12 o'clock noon of the Tuesday following the Biennial Election in which the Official's term expires.*

D. ***Transition Period: Limitation of Authority of the Outgoing Mayor.*** *The period between a Biennial Election for Mayor and the commencement of a term of office for a new Mayor shall be a transition period and during said period the outgoing Mayor shall meet with and assist the incoming Mayor in all aspects of the Office of the Mayor and said outgoing Mayor shall not appoint, hire, remove, terminate, discipline, promote, demote or transfer any officer, Department Head, assistant Department Head, commission or committee members, or employee of the City.*

SECTION 5. MINORITY REPRESENTATION.

Not more than eight (8) members of the Common Council, not more than six (6) members of the Board of Education, not more than one (1) Registrar of Voters, not more than two (2) members of the Board of Assessment Appeals. and not more than four (4) members and not more than two (2) alternate members of the Planning and Zoning Commission may be members of the same political party at any time.

SECTION 6. ELECTIONS, VOTING DISTRICTS.

The provisions of the General Statutes relating to town elections shall govern the conduct of all elections held under the provisions of this Charter except as otherwise provided herein. The Common Council shall set the boundaries of each voting district and at any time may, by Ordinance, alter the boundaries of said districts or establish additional districts.

SECTION 7. ELIGIBILITY.

No person shall be eligible for election to any City office who is not at the time of election a resident of said City and any person ceasing to be a resident or Elector of said City shall thereupon cease to hold elective office in the City.

SECTION 8. VACANCY IN ELECTIVE OFFICE.

A. ***Permanent Vacancy.*** *A permanent vacancy in any elective office shall occur by way of death or resignation of the Office Holder or as otherwise provided by State Statute.*

B. ***Voluntary Temporary Vacancy: Office of the Mayor.*** *A voluntary temporary vacancy in the Office of the Mayor may occur in the following manner:*

1. Notification by the Mayor to the Deputy Mayor and the Council of a temporary vacancy.

2. Termination of above temporary vacancy in Office shall be by notification by the Mayor to the Deputy Mayor of such termination.

C. ***Involuntary Temporary Vacancy: Office of the Mayor.*** *An involuntary temporary vacancy in the office of Mayor may occur in the following manner:*

1. In the event of the Mayor's inability to carry out the duties of the Office of Mayor by reason of physical and/or mental disability, the Common Council shall, upon unanimous vote of the Council at a regular or special meeting duly warned for that purpose, cause the Mayor to submit to examination by two physicians licensed to practice medicine in the State of Connecticut who shall submit written reports to the City/Town Clerk as to the ability of the Mayor to carry out the duties of the Office of Mayor. If such examination substantiates the Mayor's inability to carry out the duties of the Office of Mayor, the City/Town Clerk shall then declare a temporary vacancy.

2. Termination of said temporary vacancy shall be confirmed by two physicians licensed to practice medicine in the State of Connecticut that the Mayor is physically and/or mentally able to carry out the duties of the Office of Mayor who shall submit reports to the City/ Town Clerk who shall notify the Common Council of the Mayor's ability to resume office.

D. ***Permanent Elected Office Vacancies (with the exception of Mayor and Deputy Mayor).*** *Except for vacancies in the Offices of the Mayor and/or Deputy Mayor, the Common Council, at a regular or special meeting duly warned for that purpose and next following a Declaration of Permanent Vacancy in an Elective Office, shall, by a majority of those present and voting, fill any such vacancy. Such appointee shall be a member of the same political party as the predecessor in said office and shall serve the remainder of the term of office of the Elected Official whose position he/ she has been appointed to fill.*

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[17] Amended 11-4-2014

E. Permanent Vacancy in the Office of the Mayor.

*1. **The First Thirty-six Months of the Term of Office: Special Election.** In the event of a permanent vacancy in the Office of the Mayor during the first thirty-six (36) months of the term to which the Mayor was elected, a Special Election to fill said vacancy shall be called by the Common Council at a regular or special meeting duly warned for that purpose and following a Declaration of Permanent Vacancy in the Office of the Mayor.*

*2. **The Last Twelve Months of the Term of Office: Succession by the Deputy Mayor.** The Deputy Mayor shall assume the Office of the Mayor in the event of a permanent vacancy during the last twelve (12) months of the Mayor's term and the Deputy Mayor shall serve as Mayor until 12:00 Noon the Tuesday following the next Biennial Election.*

*3. **Simultaneous Vacancy of the Office of Mayor and Deputy Mayor.** In the event of permanent simultaneous vacancies in the offices of Mayor and Deputy Mayor, the majority leader of the Council shall assume the position of interim Mayor either until the special election called by the Common Council, if such vacancies occur during the first thirty-six (36) months of the term, or until a special Council meeting called within ten (10) days to elect a deputy mayor if such vacancies occur during the last twelve (12) months of the term. [Amended 11-4-2014]*

F. Permanent Vacancy in the Office of Deputy Mayor. *In the event of a permanent vacancy in the Office of Deputy Mayor due to assumption of the Office of Mayor as provided for in Subsection E, above, or a vacancy arising under Subsection A, above, the Mayor shall immediately appoint a successor Deputy Mayor in accordance with Chapter IV, Section 2A.*

G. Declaration of Vacancy. *A declaration of vacancy in any Office shall be made by the Mayor or, in the Mayor's absence, the Deputy Mayor upon written notification of such vacancy from the City/Town Clerk, which notice to the Mayor or, in the Mayor's absence, to the Deputy Mayor, shall be made forthwith.*

SECTION 9. SPECIAL ELECTIONS.

The Common Council shall call and warn Special Elections when required by any provision of the Connecticut General Statutes.

CHAPTER III: THE COMMON COUNCIL

SECTION 1. COMMON COUNCIL[18].]

The Common Council shall consist of twelve (12) members, who shall be elected at large for a term of four (4) years. Not more than eight (8) candidates for the Common Council may be nominated by any political party for the elections and the twelve (12) candidates receiving the highest number of votes at said Election shall be declared elected. Each such member shall receive such stipend as may be provided by Law.

SECTION 2. ORGANIZATION OF COUNCIL

A. Date of Organization. *The Common Council shall meet to organize no later than ten (10) days following the commencement of its term of Office.*

B. Staff[19]. *The Common Council may appoint such staff as it deems necessary to assist it in the performance of its duties. By a vote of nine (9) members and in consultation with the Office of the General Counsel, the Common Council may retain outside counsel for advice on individual matters[S5].*

C. Rules of Council. *The Common Council shall determine its own rules of procedure.*

D. Council Commissions. *The Common Council shall establish as many Councilmanic Commissions as it shall deem necessary at any time to carry out the City's business. Each such Commission shall keep records of its proceedings and provide such information as may be requested by the Common Council. All such Councilmanic Commissions shall be advisory in nature, and shall have no authority to direct the administration of any Department.*

SECTION 3. MEETINGS OF THE COMMON COUNCIL

A. Regular Meetings. *Regular meetings of the Common Council shall be held on the first Monday of every month. If said Monday shall fall upon a legal holiday, as provided in the General Statutes, the Council shall meet on the Tuesday immediately following.*

B. Special Meetings. *Special meetings may be called by the Mayor or by the Deputy Mayor, when exercising the duties of the Mayor, or upon a call signed by not less than five members of the Common Council.*

C. Quorum. *A majority of the members of the Common Council shall constitute a quorum. In determining a quorum, in the absence of the Mayor, the member of the Council who is Deputy Mayor shall be counted. The Deputy Mayor, if presiding at a meeting in the absence of the Mayor, shall be allowed to vote on any matters as a Council Member but will have no more than one (1) vote.*

D. Council Action in Accordance with Rules. *No appropriation, resolution, ordinance, report or other item of business shall be placed on any Common Council agenda unless it is filed with the Council Clerk in accordance with the rules established by the Common Council or a waiver of the rules to allow the inclusion of any matter shall have been*

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[18] Amended 11-4-2014.

[19] Modification of Chapter III, Section 2.B

approved by nine (9) Council Members.

E. ***Public Comment***[20]*[S6].* *Subject to the rules of the Council, the public shall have the right to address the Council at any Council meeting on any item on the agenda for the Council meeting at which they speak and may address the Council on non-agenda matters of general public concern only in accordance with provisions established by the Council for such input.*

SECTION 4. AUTHORITY OF THE COMMON COUNCIL[21]***.***

A. ***Powers and Duties.*** *The Common Council shall have the powers and duties which, on the effective date of this Charter, were conferred by Law upon Officials, Boards and Commissions existing immediately prior to said date, excepting, as otherwise provided in, or inconsistent with this Charter and amendments thereto, or established by General or Special Acts of the General Assembly.*

B. ***Legislative Body.*** *The Common Council shall be the legislative body of the City.*

C. ***Powers, Authority and Duties: Majority Vote Present and Voting.*** *Said Council shall have the power, authority and duty by a majority vote of those members present and voting to make such bylaws and Ordinances and to adopt such Resolutions as are deemed necessary for the conduct of the City's business, subject to the provision for hearings as provided herein, and not inconsistent with the Laws of the State of Connecticut and/or of the United States:*

1. *to levy taxes as provided herein; to regulate the borrowing of money by the City;*

2. *to adopt a budget for each fiscal year subject to the provisions herein; to authorize the issue of such bonds or notes as are required for the conduct of the City's business and other purposes as provided herein;*

3. *to appropriate such funds as may be required for the proper conduct of the City's business;*

4. *to determine and appropriate such salaries, expenses, compensation or other sums to be paid to all Elected Officials, including the stipend to be received by members of the Common Council, provided such salaries, expenses, compensation or other sums shall not take effect before 12:00 Noon the Tuesday following the next biennial municipal election;*

5. *to review and approve all contracts, including agreements to settle litigation against the City, or those memoranda of agreement with collective bargaining units that meet the following criteria, which create a financial responsibility, on the current or any future City budget, which have not previously been approved by the Council through the budgetary process and authorize the Mayor to sign the same on behalf of the City; and,*

6. *it shall have such other powers appropriate to the exercise of its authority as the legislative body of the City and such powers and duties which, on the effective date of this Charter, were conferred by Law.*

D. ***Appropriations for Fire Services.*** *In addition to all other powers, the Common Council shall have the power to make appropriations for all things necessary or desirable to protect the City from fire, including but not limited to, appropriations for the Middletown Fire District, the South Fire District of the City of Middletown and the Westfield Fire District of the City of Middletown.*

SECTION 5. BYLAW, ORDINANCE, BUDGETARY RESOLUTION OR APPROPRIATION; WHEN AND HOW IN EFFECT; CERTIFICATE OF CITY/TOWN CLERK.

A. ***Effective Date of Council Actions.*** *No bylaw, Ordinance or Staturoty Resolution, budgetary resolution or appropriation passed by the Common Council shall take effect and be enforced until fifteen (15) days after such bylaw, Ordinance or a summary thereof or Statutory Resolution, budgetary resolution, or supplemental appropriation shall have been published in accord with the Public Notice requirements of this Charter. Resolutions shall be effective upon passage.*

B. ***Filing of Bylaws and Ordinances.*** *Prior to the Public Notice of a summary, a copy of the full text of the bylaw, Ordinance or Statutory Resolution shall be foiled in accordance with the Public Notice requirements of this Charter and be available for public inspection. The summary shall include the title and a general statement of the subject matter of the bylaw or Ordinance and shall state that a copy of the full text is on file in the office of the City/Town Clerk and on the City's website.*

C. ***Certificate of the City/Town Clerk.*** *The certificate of the City/Town Clerk, upon the records of the Common Council, that such bylaw, Ordinance, Statutory Resolution, budgetary resolution or supplemental appropriation has been published in accord with the Public Notice provisions of this Charter and filed shall be prima facie evidence of such filing and publication in any suit or proceeding. Upon such publication, said Clerk shall make such certificate and thereupon, after the lapse of such fifteen (15) day period, such bylaw, Ordinance, Statutory Resolution, budgetary resolution or supplemental appropriation shall be in effect subject only to the provisions of this Charter referring to referenda.*

SECTION 6. ORDINANCE FOR THE CREATION, MERGER, OR ELIMINATION OF ANY DEPARTMENT OR AGENCY.

Any Ordinance providing for the creation, merger or elimination of the departments, or agencies of City government shall be voted upon at two different meetings of the Common Council which shall be held at least thirty (30), and not more than ninety (90) days apart, each of which shall be preceded by a Hearing Notice. No such Ordinance shall become effective unless adopted by the affirmative vote of nine members of said Council at each such meeting.

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[20] Modification of Chapter II, Sec. 4.E (2021).
[21] Amended 11-4-2008.

SECTION 7. REFERENDA AND INITIATIVE[22].

A. ***REFERENDA.*** *If within the period of fifteen (15) calendar days after publication in some newspaper with general circulation in the City of Middletown of such bylaw, Ordinance, or a summary thereof, budgetary resolution, or supplemental appropriation a written petition, containing the signatures of at least five (5%) percent of the Electors of the City and protesting any such enactment by the Common Council shall be filed with the City/Town Clerk, such bylaw, Ordinance, budgetary resolution, or supplemental appropriation shall be suspended. The City/Town Clerk shall, within seven (7) days excluding Saturdays, Sundays and Municipal holidays thereof, make an examination of such petition and attach thereto a certificate that the same is sufficient or insufficient under the requirements of this Section. If the petition shall be found to be insufficient it shall be so certified by the City/Town Clerk. If the petition shall be found to be sufficient, the City/Town Clerk shall, within five (15) days excluding Saturdays, Sundays and Municipal holidays, submit the same to the Common Council, which shall within five (5) days excluding Saturdays, Sundays and Municipal holidays thereof, reconsider the measure. If it shall not be entirely repealed, the Council shall, within five (5) days excluding Saturdays, Sundays and Municipal holidays thereof, submit it to a vote of the Electors affected by it at either a general or special election to be called for that purpose and in any event to be held no earlier than thirty and no later than sixty (60) calendar days. At such election all votes shall be taken by ballot and check list at the regular polling places. The Common Council shall set the hours of voting in any referendum and the Registrars of Voters shall prepare the polling places and the City/Town Clerk shall prepare the ballots. A simple majority vote of those voting in such referendum shall determine the matter.*

B. ***INITIATIVE.*** *Any Elector of the City may prepare a Petition regarding any matter of public interest, except for the approval of a bond or the appropriation of revenue, to be submitted for determination by the Electors of the City and/or adoption as a Resolution or Ordinance by the Electors of the City in accordance with the provisions of this Charter to be placed on that year's November ballot. The Petition shall be filed with the City/Town Clerk in typewritten form, provided the wording of the Petition shall first be reviewed by the City/Town Clerk, in consultation with the General Counsel who, within seven (7) working days of its submission, shall determine whether or not such petition presents a matter within the public interest and has been correctly worded in such a manner as to clearly express its meaning and intent. If the wording and subject matter of a Petition fairly and accurately presents such a public issue, it shall be returned to the individual who filed the petition for the obtaining of signatures commencing on July 1 in accordance with the laws of the State of Connecticut regarding the same. The petition issue shall only be voted upon at the next regular November election if copies of the Petition containing the names of at least ten (10%) percent of the Electors of the City are filed with the City/ Town Clerk on or before sixty (60) days prior to said November election date. The results of the balloting on said Petition shall not be binding unless approved by a simple majority of those voting on the Petition. No enactment passed pursuant to initiative shall be subject to referendum.*

SECTION 8. INVESTIGATIONS.

The Common Council shall have the power to investigate any and all Departments, Offices and Agencies of the City.

SECTION 9. ETHICS.

The City shall adopt a code of ethics by Ordinance. As part of such code, a Board of Ethics may be established[23].

CHAPTER IV: DUTIES AND POWERS OF ELECTED OFFICIALS AND OTHER CITY OFFICIALS

SECTION 1. MAYOR'S OFFICE[24].

A. ***Term of Office.*** *Commencing with the first municipal election following the passage of this charter provision, the Mayor's term of office shall be four (4) years.*

B. ***Mayor's Office and Staff[25].*** *The Mayor's Office shall consist of the Mayor and the following staff: Corporation Counsel[S7], a Chief of Staff[S8] and such other Staff as the Mayor may deem necessary. All such staff of the Mayor's Office shall be appointed by the Mayor and may be removed by the Mayor and shall not be included in the Classified Service. All classified employees working in the Mayor's Office shall not be considered to be part of the Mayor's Staff as defined in this Section.*

C. ***Compensation.*** *The Mayor shall receive such compensation as shall be fixed by the Common Council.*

SECTION 2. DUTIES AND POWERS OF THE MAYOR[26].

A. ***Full time Chief Executive Officer.*** *The Mayor shall be the chief executive officer of the City and shall devote full time to the duties of the office. Full time shall mean primary occupation.*

B. ***Voting Member of All City Boards, Agencies and Commissions.*** *Except as otherwise provided by Law, the Mayor shall be a voting member of all Boards, Agencies and Commissions appointed by the Mayor. As such, the Mayor shall be entitled to cast one vote.*

C. ***Administration of Departments, Agencies and Offices.*** *Except as otherwise provided by law, the Mayor shall be directly responsible for the administration of all Departments, Agencies and Offices, in charge of persons or Boards appointed by the Mayor and shall supervise and direct the same.*

D. ***Duties.*** *The Mayor shall:*

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[22] Amended 11-4-2008.
[23] Editor's Note: See Ch. 40, Ethics, Code of.
[24] Amended 11-4-2014.
[25] Modification of Chapter IV, Sec. 1.B (Change "Administrative Assistant" to "Chief of Staff" and eliminate "Corporation Counsel").
[26] Amended 11-4-2008.

1. *see that all Laws, including the Ordinances, governing the City are faithfully executed;*

2. *make periodic reports to the Common Council and shall attend and participate in its meetings as provided by this Charter;*

3. *prepare and cause to be made available to the public, as soon as possible after the close of the fiscal year, an annual City report which shall include a summary of the activities of each City department during the preceding year and a statement of the departments' goals for the next year;*

4. *recommend to the Council such measures as the Mayor may deem necessary or expedient including, but not limited to, measures to organize or reorganize the Departments and Agencies of the City;*

5. *keep the Council fully advised as to the financial condition of the City;*

6. *prepare and submit to the Council an annual budget and such additions, deletions or amendments to the separate budgets provided for in Chapter VI, Section 2;*

7. *negotiate for the purchase of real estate and take options on such real estate in behalf of the City, provided that the Mayor shall expend no more than the amount set by Ordinance for any one option; and,*

8. *exercise such other powers and duties as may be required of the Mayor by Ordinance or resolution of the Council not inconsistent with this Charter.*

E. Interactions with the Common Council.

1. ***Diminution or Augmentation of Mayoral Authority.*** *The Council shall not diminish by Ordinance, vote or otherwise, the powers and duties of the Mayor, except those powers and duties imposed on the Mayor by the Council under provisions of this Section.*

2. ***Contract Signing Authority.*** *The Mayor shall have the power to sign contracts approved by the Common Council, deeds and other instruments or documents and the Mayor shall have the power to administer oaths.*

3. ***Presiding Office of the Common Council: Voting Privileges in the event of Tie Vote.*** *The Mayor shall be the presiding officer of the Common Council and, as such, shall have the power to resolve a tie vote of the Common Council.*

4. ***Veto Authority.*** *The Mayor may veto any Ordinance or appropriation passed by the Common Council and, in the event the Mayor shall veto any such Ordinance or appropriation, the Mayor shall return the same to the Common Council within five (5) days, excluding Saturdays, Sundays and Municipal holidays, following the adoption of such vote with a statement in writing of the Mayor's objections thereto. If the Common Council, by a vote of two-thirds (2/3rds) of the members present and voting at a special meeting called for that purpose within ten (10) days, excluding Saturdays, Sundays, and Municipal holidays, following receipt of the Mayor's veto, shall readopt said Ordinance or appropriation, it shall thereupon be effective as so readopted.*

SECTION 2A. DEPUTY MAYOR.

Upon commencement of the Mayor's term of office, the Mayor shall appoint a Deputy Mayor who shall be a member of the Common Council and shall be of the same Political party as the Mayor, unless there are no Council members of the same party, in which case the Mayor may appoint any member of the Council. Said appointment shall be subject to confirmation by the Common Council. The Deputy Mayor shall act as Mayor during any temporary vacancy in the Office of Mayor or until a permanent vacancy in the Office of Mayor has been filled as provided for in Chapter II, Section 8 of this Charter. The salary of the Deputy Mayor shall be determined by the Common Council.

SECTION 3. CITY OFFICIALS.

A. Appointment by Mayor and Confirmation by the Common Council. *The following Officials shall be appointed by the Mayor and confirmed by the Common Council: (i) City/Town Clerk; (ii) Tax Collector; and (iii) Assessor[S9][27]. Each said Official shall have the powers and duties vested in each said officer by the Laws of the State of Connecticut and pursuant to Ordinances adopted by the Common Council. They shall devote full time to the duties of their respective offices. Full time shall mean primary occupation.*

B. Additional Officials Established by Ordinance: Appointment and Confirmation. *There shall be such other Officials as may be deemed necessary by the Mayor and the Common Council and whose duties and powers shall be defined by Ordinance. All such Officials shall be appointed by the Mayor and confirmed by the Common Council.*

C. Removal Authority of the Mayor. *The Mayor shall have the power to remove or discipline non-elected Officials as provided for in Chapter V, Section 4.*

SECTION 4. CITY TREASURER.

There shall be a City Treasurer who shall have and exercise all the powers and duties prescribed for Treasurers of Towns and Cities by the General Statutes and additional powers and duties as may be prescribed by the Common Council.

SECTION 5. REGISTRARS OF VOTERS, BOARD OF TAX REVIEW.

The power and duties of the Registrars of Voters and members of the Board of Assessment Appeals shall be as provided by Law and not inconsistent with this Charter and may be provided by ordinance.

SECTION 6. COMMON COUNCIL TO PERFORM DUTIES OF SELECTMEN EXCEPT AS OTHERWISE PROVIDED.

All powers and duties had and performed under the Law by the Selectmen of any town, except such as are imposed

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[27] Modification of Chapter IV, Sec. 3.A(iii).

upon them by the Constitution and the General Statutes relative to the admission of persons to the privileges of Electors, shall be had and performed by the Common Council or as otherwise provided herein. The Common Council shall provide for the performance of all such functions by Ordinance, bylaw, or otherwise, as it shall determine.

SECTION 7. BOARD OF EDUCATION; ELECTION; TERM[S10].

There shall be a nine (9) member Board of Education which shall have such duties and powers as may be imposed by Law. Members of such Board, shall be elected in place of the members whose terms expire, each for a term of four (4) years. Each Elector may vote for the full number of members to be elected to each term and the candidates receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to Section 9-167a of the General Statutes exceeds the maximum number, as determined by said Section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election.

SECTION 8. OFFICE OF THE GENERAL COUNSEL[S11].

The General Counsel shall have the authority, with the approval of the Mayor and Council, to refer to the Corporation Counsel questions of Law involving the powers, obligations, and/or duties of any Official, Department, agency, Board or Commission if, in its discretion, said questions relate to political matters or those which involve a potential conflict of interest[28].

CHAPTER V: DEPARTMENTS OF THE CITY

SECTION 1. DEPARTMENTS ESTABLISHED.

A. Powers and Purposes (RECOMMENDED).

B. Creation of Departments. *All departments of the City may, from time to time, be established by Ordinance. All employees of any department shall be subject to the City of Middletown Personnel Rules and Classification Plan. The Common Council shall have the power to prescribe by Ordinance the powers, duties and privileges of each Department, not inconsistent with any of the provisions contained herein.*

C. Reorganization Plans (RECOMMENDED).

D. Effect of Charter on Departments. *Every Department, Authority, Board, or Commission, existing on the effective date of this Charter, shall continue in existence as if established by Ordinance until merged or eliminated by Ordinance pursuant to Chapter III, Section 6 of this Charter.*

SECTION 2. DEPARTMENT HEADS.

A. Appointment and Confirmation. *Each Department shall have a department head who shall be known as director and who shall be appointed by the Mayor and confirmed by the Common Council. Each such director shall devote full time to the duties of the Office and shall be responsible to and report to the Mayor.*

B. Removal[29]. *The Mayor shall have the power to remove any director for cause but, in no case, may any director be removed for political reasons. In the event of dismissal of any director, the Mayor shall notify said director in writing of such action and the reasons therefore not more than one month prior to the effective date of such dismissal.*

C. Additional Provisions Pertaining to Department Heads. (RECOMMENDED)

SECTION 3. ASSISTANT DEPARTMENT HEADS.

A. Creation of Position. *There shall be such assistant Department Heads as may be provided by Ordinance, who shall serve as assistant to the various department heads of the City.*

B. Appointment and Confirmation. *Each assistant Department Head shall be appointed by the Mayor and confirmed by the Common Council.*

C. Duties and Responsibilities. *Each such assistant Department Head shall be responsible to and report to the Department Head and shall devote full time to the duties and responsibilities of the Office. Each such assistant Department Head shall be removed or disciplined only in the same manner as Department Heads.*

SECTION 4. REMOVAL OF A DIRECTOR (MOVED TO SEC. 2).

CHAPTER VI: FINANCE AND TAXATION

SECTION 1. BUDGET[30].

A. Commencement of the Budget Process. *Except as otherwise provided herein, not later than January 1st of each year, the Mayor, or the Mayor's designate, shall provide all Departments, Agencies, Offices and Commissions with forms for budgetary requests for the ensuing fiscal year.*

B. Mayor Transmits Proposed Fiscal Budget to the Common Council. *On or before April 1st the Mayor shall transmit a proposed* ***fiscal budget*** *to the Common Council.*

C. Contents of the Proposed Budget: Operating and Capital Budgets. *The* ***proposed budg****et shall consist of an operating budget and a capital budget.*

1. Capital Budget. *The capital budget shall consist of all funds necessary for any debt service payment needed*

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[28] Modification of current Chapter IV, Sec. 8.
[29] Recodification of Chapter IV, Sec. 6.
[30] **[Amended 11-4-2008]**

during the fiscal year, including all payments for debt service incurred for the construction, renovation or improvement of any Board of Education buildings or property.

2. ***Operating Budget.*** *The operating budget shall consist of all proposed expenditures for the fiscal year which are not part of the capital budget.*

3. ***Separate Budgets Not Included[31].*** *The Annual Budget prepared by the Office of the Mayor shall not include the budgets of those Boards, Commissions and Agencies for which separate budgets are required by the General Statutes or Special Acts. All separate budgets shall be subject to the referendum provisions contained in this Charter.*

4. ***Application of Veto and Referenda to Entire Budget.*** *All provisions for veto and referenda of the budget shall apply only to the entire budget and neither the operating budget nor the capital budget shall be subject to veto or referenda separately.*

D. Public Inspection (RECOMMENDED).

E. Public Hearing by the Common Council. *The Common Council shall, prior to April 30th, hold public hearings on the proposed budget.*

1. ***Publication: Date of Hearing.*** *The Common Council shall cause such proposed budget to be published in accordance with the Public Notice provisions of this Charter and shall accompany such publication with a Hearing Notice, which hearing shall be at least two (2) days after said publication. Upon such date, the Common Council shall meet to hear any parties interested in relation thereto, which meeting shall be held on or before April 30th.*

2. ***Hearing Participants.*** *At such hearings, all Electors and persons paying taxes or charges to said City shall have the right to be heard concerning any proposed budget item.*

F. Modification of the Proposed Budget by the Common Council. *The Council shall have the power to add, delete, increase or decrease any item in said proposed budget and,*

G. Adoption of the Proposed Budget by the Common Council. *Not later than the 15th day of May of each year, the Common Council shall adopt a budget and make appropriations therefor.*

1. ***Establishment of the Tax Levy[32].*** *At the same time the Common Council shall approve the budget, it shall also fix the Tax Rate in Mills which shall be levied on the taxable property in the City as provided by Law. Said Tax shall be payable in two equal installments as shall be determined by the Common Council. Upon failure of any taxpayer to pay any installment of taxes within one month after the date on which said installment is payable, the full amount of the total bill shall be due and payable and subject to such interest charges as are provided by Statute. Any property tax due the City of Middletown in an amount not in excess of one hundred dollars ($100) shall be due and payable in a single payment.*

2. Failure to Adopt a Budget (RECOMMENDED)

H. Transmittal of budget to Mayor (RECOMMENDED)

I. Mayoral Action

1. ***Veto authority of Mayor.*** *The Mayor shall have the power to veto, in writing, any addition, deletion, increase or decrease in said budget as voted by the Common Council, provided that the Mayor then shall transmit said veto to the Common Council within five (5) calendar days following the adoption of said budget by the Common Council.*

2. ***Legislative Action on Mayoral Veto.***

a. ***Override of Mayoral Veto.*** *If the Common Council, by vote of two-thirds (2/3rds) of its entire membership at a Special Meeting held for that purpose, shall readopt the item or items vetoed within ten (10) days of receipt of said veto, the Budget shall be effective as adopted.*

b. ***Failure to Override Mayoral Veto.*** *In the event the Common Council shall not readopt the item or items disapproved, then the budget shall be effective as modified by the veto.*

J. Referendum. *Within fifteen (15) calendar days following the passage of a budget, the electorate of the City shall have the power to challenge the budget by means of a referendum as provided in this Charter. The Common Council shall within ten (10) days following any referendum adopt a budget in accordance with such determination. In the event of any additional Mayoral veto, or referenda, said Common Council shall proceed in like manner until a tax shall be levied and accepted to cover such budgets.*

K. *Such appropriations, when finally decided upon, shall be entered into the official records of the City and shall be subject to the inspection of any taxpayer during City Hall business hours. Any portion of an annual budget appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse and said portion of any appropriation shall revert to the respective Fund of said City.*

SECTION 2. SEPARATE BUDGETS PROVIDED (MOVE TO SEC. 1, Above)

SECTION 3. TAX RATES ESTABLISHED (MOVE TO SEC. 1, Above)

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[31] Recodification of Chapter VI Sec. 2.
[32] Recodificaiton of Chapter VI, Sec. 3.

SECTION 4. ANNUAL AUDIT[33].

The Common Council shall, by majority vote at a meeting to be held not later than one month after each Mayoral Election, appoint a certified public accountant or firm who shall audit the books and accounts of the City, in accordance with the provisions of the General Statutes, and who shall perform such other duties as may be deemed necessary by the Common Council.

SECTION 5. ASSESSMENTS, COLLECTION WARRANT LIEN.

A. ***Issuance of Collection Warrant.*** *In any case where, under the provisions of this Charter or of any bylaw or Ordinance of the City, a sum of money, other than taxes, shall have been ordered by the Common Council to be paid by any person, or where any assessment shall have been made, or where any expense shall been incurred by the City because of the failure of the property holder to comply with any Order of the Common Council or with an Ordinance, the Common Council may appoint a collector to collect such sums of money and assessments of expenses and shall cause the collector to account duly for the amount of same, the Mayor or Deputy Mayor shall issue a warrant authorizing such collector to collect same.*

B. ***Authority of Collectors.*** *Every such collector shall proceed in the same manner and have the same powers and be under the same regulations as by Law prescribed for collectors of public taxes.*

C. ***Terms and Conditions.*** *All such sums of money, other than taxes, but including assessments or expenses, shall be subject to interest from the date when the same shall be payable at the same interest rate or rates and in the same manner as shall be provided by the General Statutes in case of delinquent taxes and shall remain a lien upon the property specially benefited by the public work or improvement with reference to which such assessment was made or upon the property against which such expense be chargeable.*

D. ***Precedence of Liens.*** *Such lien and all liens created under the provisions of this Charter shall take precedence and priority over any lien or encumbrance on the property whereon the same shall be imposed, except taxes and other City liens prior in date, and any such lien may be foreclosed in the same manner as if such lien were a mortgage given to said City to secure the amount of such assessment or such expense, provided such lien shall not continue for a period longer than sixty days after the time when such assessment or such expenses shall become payable, unless before the expiration of said sixty (60) days a certificate, signed by the Mayor or the City/Town Clerk of said City, describing the property on which the lien shall exist and the amount claimed by said City as a lien thereon, shall be lodged with the City/Town Clerk.*

E. ***Satisfaction of Lien: Recording of Certificate.*** *Whenever any such lien shall have been satisfied, a certificate of such fact signed by the Mayor, the Deputy Mayor, or the City/Town Clerk of said City, shall be lodged with said City/Town Clerk. The City/Town Clerk shall record all such certificates in a book kept for that purpose and the reasonable expense of filing and discharging such lien shall be added to such assessment or expense.*

F. ***Fines and Penalties for Certain Willful Actions.*** *Any person willfully interrupting, hindering, abusing and resisting or obstructing any such collector in the discharge of the collector's duty shall be fined in an amount not exceeding one hundred ($100.00) dollars or imprisoned not exceeding sixty (60) days or both in any criminal action brought before the Superior Court.*

SECTION 6. LIENS, ASSESSMENTS FOR SERVICES.

A. ***Water, Sewer and Sanitation Liens.*** *All water rents, sewer and sanitation charges and all service charges due for any service under the provisions of this Charter shall be and remain a lien upon the house, tenement or lot, wherein or in connection with which service shall have been rendered to the owner or occupant thereof and said lien shall have priority over all other liens and encumbrances on said house, tenement or lot, whereon the same is imposed, except taxes, tax liens and other City liens prior in date, and may be enforced or foreclosed by and in the name of the City of Middletown, before any Court having competent jurisdiction thereof, in the same manner as mortgages on lands and buildings are foreclosed.*

B. ***Sale of Liened Real Property.*** *The Common Council of the City of Middletown shall have the right and power to authorize the sale of any interest in any house, tenement or lot, which the City shall acquire by reason of such foreclosure, and the proceeds of any such sale shall be paid into the City treasury. Such liens shall be perfected and be in effect in accordance with provisions of the General Statutes relating to the taxes on real estate.*

CHAPTER VII: SANITARY DISPOSAL DISTRICT

SECTION 1. SANITARY DISPOSAL DISTRICT; BOUNDARIES[34].

The Sanitary Disposal District shall continue to be that portion of the City of Middletown as is constituted the Sanitary Disposal District on the effective date of this Charter, together with any other territory contiguous thereto which may hereafter be added in accordance with the provisions of this Charter. The expense for the maintenance and operation of said district shall be a service charge upon all property located within the district. The provisions of Special Act No. 466 (1951) of the Connecticut General Assembly not inconsistent with the provisions herein shall continue in effect.

SECTION 2. ALTERATION OF BOUNDARIES; NOTICE REQUIRED

Alteration of District Boundaries. *The boundaries of the Sanitary Disposal District shall not be extended except in the following manner:*

A. ***Annexation: Written Petition, Hearing Notice and Conduct of Public Hearing and Vote of City Council.*** *Upon the written petition of a majority of the property owners, without the Sanitary Disposal District but within any part of said City contiguous to said district, requesting to be annexed as a part of the Sanitary Disposal District and describing the limits of said contiguous territory to be annexed, the Common Council may, after a public hearing, in accord with*

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[33] [Amended 11-4-2014]
[34] Amended 11-4-2008.

Public Hearing Notice which shall be given at least five (5) calendar days prior to such hearing, by vote annex the territory described in such petition to the Sanitary Disposal District. The vote of the Common Council annexing such territory to said district shall specify the boundaries of the territory annexed, a date upon which service will be initiated and a copy of such vote, certified by the Clerk of the Common Council, shall be forthwith recorded in the land records of the City and filed in the Office of the Assessor and in the Office of the Sanitary Disposal District.

B. ***Separation from District: Written Petition, Public Hearing Notice and Conduct of Public Hearing and Vote of City Council.*** *Upon the written petition of a majority of the property owners within any part of the Sanitary Disposal District that is contiguous to a non-member territory requesting to be separated from the Sanitary Disposal District and describing the limits of said contiguous territory to be separated, the Common Council may, after a public hearing, in accord with Public Hearing Notice which shall be given at least five (5) calendar days prior to such hearing, by vote, separate the territory described in such petition from the Sanitary Disposal District. The favorable vote of the Common Council separating such territory from said District shall specify the boundaries of the territory separated, with an effective date of release, and a copy of such vote, certified by the Clerk of the Common Council, shall be forthwith recorded in the Land Records of the City and filed in the Office of the Assessor and in the Office of the Sanitary Disposal District.*

CHAPTER VIII: BOARD AND COMMISSIONS

SECTION 1. GENERAL REQUIREMENTS FOR APPOINTED COMMISSIONS AND COMMITTEES.

A. ***Creation of Boards and Commissions[35].*** *In addition to those Commissions and Committees established by this Charter there shall be such Commission and Committees of an advisory nature or limited duration, as may be deemed necessary by the Mayor and the Common Council. The powers, duties and organization of each Commission and Committee shall be prescribed by Ordinance.*

B. ***Appointment[36].*** *All members of such Commissions and Committees shall be appointed by the Mayor and confirmed by the Common Council, except as herein provided.*

C. ***Vacancy.***

1. ***Defined.***

2. ***Removal of Appointed Member[37].*** *A member of any appointed Commission or Committee, who shall be absent therefrom for three consecutive meetings without good cause shown, may, upon the recommendation of the chairman or director thereof and upon the approval by the appointing authority, be ordered removed therefrom by the Mayor.*

3. ***Filling a Vacancy[38].*** *Upon such removal by the Mayor the appointing authority shall fill the unexpired term created by such vacancy.*

SECTION 2. PLANNING AND ZONING COMMISSION[39].

A. *There shall be a Planning and Zoning Commission which shall exercise all powers and authority enumerated in Chapter 124, Section 8-2 of the General Statutes, as amended, and shall exercise said powers and authority in accordance with the provisions of Section 8-3 and Section 8-4a of Chapter 124 of the General Statutes, as amended. All existing regulations shall continue in full force and effect until modified, repealed or superseded by action of the Planning and Zoning Commission.*

B. *The Planning and Zoning Commission shall consist of seven regular voting members. The Mayor and Director of Planning and Zoning[40] [S12] shall also be members without voting privileges. There shall be three alternate voting members. Members and alternates shall be elected for terms of four years. The Planning and Zoning Commission shall annually elect a Chairman, Vice Chairman, and Secretary from among its regular voting members. [Amended 11-4-2008]*

C. *A quorum shall consist of six (6) commissioners and decisions shall be taken by affirmative vote of no less than five commissioners.*

SECTION 3. ZONING BOARD OF APPEALS[41].

There shall be a Zoning Board of Appeals in accordance with the provisions of Chapter 124 of the General Statutes. Members shall be appointed by the Mayor and confirmed by the Common Council. Members of the present Zoning Board of Appeals shall continue in office until the expiration of their terms.

SECTION 3. COMMISSIONS AND COMMITTEES (MOVE TO SEC. 1)

SECTION 4. REMOVAL OF APPOINTED COMMISSION AND COMMITTEE MEMBERS (MOVE TO SEC. 1)

CHAPTER IX: BONDING POWERS

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[35] Modification and recodification of Chapter VII, Sec. 3.
[36] NEW (2021 Charter Revision)
[37] Modification and recodification of Chapter VII, Sec. 4.
[38] Modification and recodification of Chapter VII, Sec. 4.
[39] Recodification of Chapter VII, Sec. 1.
[40] Modification of Chapter VIII, Sec. 2.B. (replace “Director of Public works” with “Director of Planning and Zoning”).
[41] Recodification of Chapter VII, Sec. 2.

SECTION 1. POWERS GENERALLY; ISSUANCE AUTHORIZED.

The City of Middletown shall have the power to incur indebtedness by issuing its bonds, notes or other obligations in accordance with the provisions of the General Statutes and for the following purpose:

A. *for any purpose authorized by the General Statutes;*

B. *to fund an emergency expenditure;*

C. *to meet that portion of the cost, including damages incurred, of any public improvement, duly authorized, the cost of which is ultimately to be defrayed from benefits assessed, providing nothing in this section shall be taken to interfere with the power of the Council to provide for the issuance of assessment of benefits as provided in this Charter;*

D. *to prevent the City from defaulting on the principal or interest on its debt, the full amount of which, with interest to maturity, shall be included in the budget for the ensuing year wherein such notes shall be retired;*

E. *to pay for the acquisition and development of a project or land outside of the City for any purpose for which it may develop a project or land within the City; and*

F. *in anticipation of the receipt of the collection of taxes for the current fiscal year, such notes to be repaid from the proceeds of such taxes and, if not paid in full before the end of such year, an amount equal to the unpaid balance thereof shall be included in the budget for the ensuing fiscal year.*

SECTION 2. DEBT AUTHORIZATION[42].

A. ***Referendum Authorizing Issuance.*** *The issuance of bonds, notes, or other obligations shall be authorized by Ordinance adopted by the Council and if the total estimated cost of any improvement for which such obligations are proposed to be issued exceeds $750,000, no bonds, notes, or other obligations shall be issued for such improvement unless the Ordinance authorizing such issue shall also be approved by a majority of those voting thereon at a general municipal election or referendum called and warned for that purpose subject to any State Statute that may appertain to or be in addition to the Charter requirements.*

B. ***Council Authorization of Issuance.*** *Provided however, if the total estimated cost of any improvement for which such obligations are proposed to be issued exceeds $500,000 but less than $750,000, no bonds, notes, or other obligations shall be issued for such improvement unless the Ordinance authorizing such issue shall have received an affirmative vote by the majority of the Common Council at its next meeting after a special public hearing on the ordinance, which public hearing shall be held on a date prior to the Council's consideration of the issue.*

C. ***Notes in Anticipation of Taxes.*** *Notes in anticipation of taxes shall be authorized by resolution of the Council.*

D. ***Notes to Prevent Default.*** *Notes to prevent default on the principal or interest of the City's debt shall not be subject to referendum and shall be authorized upon Council adoption of a resolution following certification to the Council by the Treasurer that, except for such borrowing, a default on the part of the City would take place. Such certification shall be spread on the minutes of the Council.*

SECTION 3. THE DEBT AUTHORIZATION ORDINANCE.

The Ordinance authorizing the issuance of bonds, notes or other obligations shall set forth

A. *The purpose for which the obligations are to be issued and,* ***if they are to be issued for a public improvement****, a description in brief and general terms of such improvement together with an estimate of its cost and the portion, if any, of such cost to be defrayed from sources, specifying the same, other than the proposed bond issue;*

B. *The amount of the proposed issue;*

C. *A statement showing that the proposed issue is within the limitations as provided herein; a determination of the estimated useful life of the improvement, if any, for which the obligations are to be issued; and,*

D. *A determination that the principal and interest on the proposed issue are to be paid from property taxes and that the full faith and credit of the City are pledged to such payment.*

SECTION 4. SHORT PERIOD OF LIMITATION.

When ten (10) calendar days shall have elapsed after the passage and publication of a bond Ordinance or, in the event of a referendum, the recitals or statements of facts therein shall be deemed to be true for the purpose of determining the validity of the bonds and the Ordinance shall be conclusively presumed to have been duly and regularly passed and to comply with the provisions of this Charter and the validity of such bond Ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant except in a suit, action or proceeding commenced prior to the expiration of such ten (10 calendar days.

SECTION 5. CONSTRUCTION OF POWERS.

The powers granted to the City of Middletown in this Chapter shall be construed to be in addition to, and not in limitation of, any powers granted to said City under the provisions of any other Special Act.

CHAPTER X: PERSONNEL POLICIES

SECTION 1. CLASSIFIED SERVICE AND REGULAR PART-TIME.

A. ***Classification Plan of the City[43].*** *It shall be the duty of the Mayor to cause to be prepared a statement of the duties*

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[42] Amended 11-3-2009.
[43] Recodification of Article X, Section 1.B.

and responsibilities of each position in the classified service, the compensation pertaining thereto and of the minimum qualifications for such positions. These statements shall comprise the Classification Plan of the City which shall become effective upon approval by resolution of the Common Council and which may be amended by resolution of the Council, either upon the recommendation of the Mayor or upon the initiative of the Council itself.

B. ***New or Additional Classified Service Positions[44].*** *New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Common Council upon recommendation of the Mayor or upon the initiative of the Council itself.*

C. ***Personnel Rules[45].*** *The Mayor shall also cause to be prepared a set of personnel rules which shall be reviewed or revised at least every four (4) years and which shall provide, among other things, for:*

1. The method of holding competitive examinations;

2. Administration of the classification plan;

3. Probationary period of employment;

4. Hours of work;

5. Vacations;

6. Sick leaves and other forms of absences; and,

7. Such other rules as may be necessary to provide for an adequate and systematic procedure for the handling of the personnel affairs of the City.

If the Mayor does not cause the personnel rules to be reviewed every four years, then the Common Council may initiate, by majority vote, the review of the personnel rules. Such rules and amendments thereto shall become effective upon approval of the Common Council and being filed with the City/Town Clerk by the Mayor and copies of such rules and amendments thereto shall be provided for all members of the classified service.

D. ***Employment Contracts for Classified Service Employees[46].*** *Nothing in this section shall be construed to prevent members of the classified service from entering into a contract with the City for the purpose of establishing working conditions, wages and other conditions pertaining to the continuance and termination of employment.*

E. ***Regular Part-Time Employee defined[47].*** *A regular part-time employee of the City shall mean any person who is employed a minimum of 20 hours per week for at least 8 months of a 12-month calendar year.*

F. ***Equal opportunity, diversity, equity, affirmative action and inclusion[48]*** *[S13]. It shall be the policy of the City to maintain a civil service system that will assure recruitment of the best available persons to appointment to vacant positions, continue training and evaluation of employees and bargain fully with the collective bargaining representat5ives of employees. Moreover, the City is required to provide equal opportunity to all qualified applicants and to all employees with respect to initial employment, advancement and general working conditions, without respect to age, race, religious creed, color, sex, marital status, sexual orientation, gender identity or expression, or national origin, ancestry, or physical disability, as recognized by United States Federal and/or State of Connecticut anti-discrimination statutes as a "protected class" now existing, or as amended in the future. Moreover, no officer or employee of the City of Stamford, shall be appointed, discharged, reduced in rank or pay, removed or in any way favored or discriminated against, because of their status in any "protected class," as set forth herein.*

1. ***The Plan.*** *City administrators responsible for equal opportunity and diversity management and human resources, in consultation with the Human Relations Commission, shall regularly develop and maintain a comprehensive and systematic diversity, equity, affirmative action and inclusion plan which will assure equal opportunity in recruitment, selection and retention, job structure, promotion policies, training to improve job performance and upward mobility, including any related procedures and practices, including performance appraisals and employee review in accordance with best practices in the human resource management.*

2. ***Approval of the Plan.*** *Said plan shall be reviewed by the Mayor submitted to the Common Council and be deemed effective upon approval by said Council.*

3. ***Exception.*** *The sole exception to these protections is that officers or employees who by the terms of the Charter serve at the pleasure of the Mayor are subject to employment decisions based on their political opinion or affiliation.*

SECTION 2. HIRING TEMPORARY EMPLOYEES.

All temporary employees shall be hired by the Mayor unless the Mayor gives written authorization to a Director to hire a temporary employee or employees.

SECTION 3. APPOINTMENT OF CLASSIFIED EMPLOYEES OF THE CITY.

All classified employees of the City shall be appointed by the Mayor pursuant to and in accordance with the City Personnel Rules and Classification Plan. All positions of employment within the City government, except the Mayor's Chief of Staff[49] and the Corporation Counsel appointed by the Common Counsel[50], shall be open to all qualified applicants and the

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[44] Recodification of Article X, Section 1.C.
[45] Recodification of Article X, Section 1.D.
[46] Recodification of Article X, Section 1.E.
[47] Recodification of Article X, Section 1.F.
[48] New provision (2021).
[49] Modification of Chapter X, Sec. 3 (Change "Administrative Assistant" to "Chief of Staff").
[50] Modification of Chapter X, Sec. 3 (Change appointing authority of the Corporation Counsel).

application, selection processes and, if applicable, testing shall be conducted in accordance with the Personnel Rules of the City.

SECTION 4. POLITICAL ACTIVITY.

The political activities of classified municipal employees shall be governed by Section 7-421 and 7-421 (A) as set forth in Chapter 113 of the Connecticut General Statutes and any amendments thereto.

CHAPTER XI: GENERALLY

SECTION 1. GENERALLY.

This Charter shall become effective thirty (30) days after approval by the Electors of the City pursuant to Section 7-191(f), Connecticut General Statutes.

SECTION 2. PARTIAL INVALIDITY.

If any provisions of this Charter shall be held to be invalid for any reason, the remaining provisions of this Charter shall not be affected by such determination and shall remain in full force and effect.

SECTION 3. ADOPTION OF STATE LAW.

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Those Chapters of the General Statutes pertaining to "Municipal Sewerage Systems," and "Uniform Fiscal Years," are hereby adopted.

COMMISSION DISCUSSION:

a. Repeal of Transition Language for Four-year term for Registrars of Voters (Chapter II, Sec. 1.B)

Attorney Mednick states that this is a simple item. It was brought up by General Counsel Brig Smith when he testified before the Commission. There was language, referring the Commission to page C7. There is language to be deleted because it has taken effect. It is really a mechanical cleanup, not a major issue. He asks for their support or this change.

The Chair calls on Councilwoman Linda Salafia.

Councilwoman Linda Salafia moves to approve repeal of transition language for 4-year term for Registrars of Voters (Chapter II, Sec. 1.B). Commissioner David Roane seconds the motion.

There being no discussion the Chair calls for a voice vote. The motion is approved unanimously with by a vote of 11-0. (Commissioners Aunger, Blanchard, Greaves, McKeon, Ribnicky, Rivera, Roane, L. Salafia, M. Salafia, Sweeney, and Wilson). The matter is approved.

b. Diversity, Equity, Inclusion and Affirmative Action in Hiring (Chapter X – Personnel Policies)

Attorney Mednick explains that this idea was proposed by Commissioner David Roane and the late Commission Tawana Bourne. What he tried to do is draft language that addresses the issue broadly. He suggests that there is a lot to digest so he will explain. If they want to hold off and address this item at the special meeting, he would understand that. What it tries to do is to establish several principles. One, have a Civil Service System, which ensures the recruitment of the best available people. It also has training and evaluation of employees, which acknowledges that. It was one of thein tenets of the proposals and that they bargain with collective bargaining representatives. Moreover, it would be required for the City to provide equal opportunity to all qualified applicants and employees with respect to initial employment and advancement. And to all employees with respect to working conditions, to make sure that the City does not discriminate in the basis of age race, creed, color, sex, and marital status, all of the categories. The City would establish a police to encourage equal opportunity, diversity, equity, affirmative action, and inclusion. That it would be created by the administrators responsible for equal opportunity and diversity management as well as the administrator for Human Resources in consultation with the Human Relations Commission. They would do the research, put together the plan, and submit the plan to the Mayor, who would ultimately submit the plan to the legislative body – the Common Council – for approval. The only exceptions to the plan would be the employs who serve at the pleasure of the Mayor. They would not be included in this plan. Normally, this is done by a Civil Service Commission. There is none in Middletown so, in looking through the departments, he discovered the department of Equal Opportunity and Diversity Management. They report to the Human Relations Commission, so that is one way of ringing in a balanced commission to look at this issue. That is the general principle. He hopes that this captures the core of Commissioner Roane's idea.

Councilman Edward McKeon states that Attorney Mednick has noted that Middletown does not have a Civil Service Commission. He asks if most other town have that and what is the role.

Attorney Mednick replies that, most town that he knows – the larger cities in Connecticut – have Civil Service Commissions. In Middletown, it looks like the Mayor makes a lot of the decisions about his people, who are classified, which is normally a decision made by a Civil Service Commission. If the Commission

would like, between now and the next meeting before final action is taken, he can look at the larger municipalities or those that go up to the size of Middletown and to give them a sense of what towns have and which do not. It is normal in larger cities.

The Chair calls on Commissioner David Roane.

Commission Roane states that he appreciates all that Attorney Mednick has said and the work that he has done., but he believed that this is a subject that the Commission may need a special meeting, such as the one coming up on the Couric. This has been a blackspot on the City for as long as he has been here, over 70 years. Part of what he said – that the Mayor is making decisions – we do need a Civil Service Commission that is not under the guidance of the mayor or the Common Council because affirmative action discrimination – speaking for the black community – has been outrageous. This City has not until this day, still has not done a good job to follow what the Affirmative Action Commission is set up to do. All they need to do is look at City Hall and look at the minorities, who work there, other than the garage department or the cafeteria of the school systems. You see very little, none. This who are there, he says without hesitation with only one or two exceptions, are in there because of favoritism of the Mayor and support of the Mayor, as the head of administration at that time. We need a lot more discussion to bring about changes so everyone in Middletown, regardless of color and religion, are treated equally, we need more time to take what the Attorney put together to enhance it.

The Chair calls on Councilwoman Linda Salafia, adding that they will come back to Commissioner Roane's comments.

Councilwoman Salafia states that she agrees: they probably cannot vote on this tonight. It is a large issue. We don't have a Civil Service Board, which also raises the question of whether or not Human Resources, which was the City's Personnel Department and which is now part of the City Attorney's Office, should all be looked at. Setting up department comes under ordinance, not the Charter, but it all weaves together.

Attorney Mednick states what he advises is that the Charter is a fairly thin Charter. In many communities, he tried to move in that direction. You don't want to name departments in the Charter. This Charter is finally limited in the departments that it does refer to. With respect to the issue of where Personnel should be – whether you agree or disagree -- that is more of an ordinance or budget decision he thinks that needs to be taken up by bodies other than the Charter Revision Commission. The notion of creating a Charter Revision Commission would be something that you want to consider the Charter. The Commissions in the Charter are the big commissions: Planning & Zoning Commission, Zoning Board of Appeals. Civil Services along with the Ethics Commission – which he does not see in the Charter – Civil Service is something that you would want to put in the Charter, he went through the section because you may want to consider this on another evening, have some pole weigh in on the history. When he suggests that other towns have something, it does not mean that Middletown has to have it. Other towns have made a determination that it is important to them. You may want to see what the historical reasons are that you do not have it. It needs to be examined. He adds that Civil Service Commissions are pretty important entities in terms of the integrity of the merit system in a municipality. He suggests that they put it to another evening. The next regular meeting, the Commission will be dealing with the Teaser's Office and Mayoral salary. You may want to put this item on that agenda or on the April 7th agenda. He asks the Commission to keep in mind that they are getting down to the last 5 or 6 meetings without social meetings and this is a big issue to resolve. They may want to do this at the March 24th meeting.

The Chair recommends two things. Let's add to the next special meeting on Tuesday (March 16th), digest the language and them at the following meeting (March 24th), since those are fairly yes or no. Those items should be quick to address. We can add the discussion of a Civil Service Commission. He thinks that these larger issues will arise at one meeting, be digested, and digested at the following meeting straddling two meetings, which is all right. We are committed to finishing on time and making certain that the Commission is giving the Council significant, meaningful changes. He asks if everyone is on board with this.

Attorey Mednick replies that to put Civil Service on the March 24th agenda, they need to also have the Finance Director come in to discuss the Treasurer's Office.

The Chair replies, "Correct."

Attorney Mednick confirms that the Commission is passing over this item at this time.

The Chair confirms, adding that Commission members should take into account the issues facing them in term so the makeup of the Council as well as the language and Commissioner Roane's comments as well. We can look at other communities to see if we want to act in this and move it forward.

c. Leave to Withdraw - separate tax district for Board of Education (Chapter IV, Section 7).

Attorney Mednick explains that this should be an easy item. He asks the Commission to recall the opinion that he provides a couple of week ago on term limits. The same legal logic and case law apply to separate taxing districts for Board of Education. There is no law in Connecticut that permits a municipality to create a separate tax district for a single town board of education. It would not be properly brought before the Charter Revision Commission, so he recommends leave to withdraw.

Commission David Roane moves for leave to withdraw proposed separate tax district for Board of Education (Chapter IV, Section 7).

Commission William Wilson says that he understands. He has been asked by people to see on their tax bill a separation, breakdown, he believes that this would have to be done by ordinance, not by Charter. They would like to see the City side and the Board of Education side. That would be his only request: a separation on the taxing bill.

Attorney Mednick replies that the Commission will be discussing the budget process on April 21st. It seem to him, based on his recent experience in another town on budget requirements, what can be done, and he will check the law. One thing may be a breakdown of the Board of Education portion of the tax bill and how it is pro-rated within the budget. It can be made part of the budget process and it would have to be published. That may be a way to address this.

Commission William Wilson tanks Attorey Mednick

The Chair states that he was thinking that the Common Council may be able to issue a report, saying what percentage went to the Board of Education to fixing roads, and so forth. It would be interesting for taxpayers to see.

Commission David Roane has moved for leave to withdraw proposed separate tax district for Board of Education (Chapter IV, Section 7). Commissioner William Wilson seconds the motion.

There being no further discussion, the Chair calls for a voice vote. The motion is approved unanimously with by a vote of 11-0. (Commissioners Blanchard, Greaves, McKeon, Ribnicky, Rivera, Roane, L. Salafia, M. Salafia, Sweeney, and Wilson). The matter is approved.

The Chair thanks everyone frothier commitment to this Commission. They are going above and beyond on these important issues for the people of Middletown. It is in an unprecedented way. He encourages the Commission members to reach out to these panelists who spoke tonight, adding that they really know a lot about the history of how things function and where things may be broken and improved. He asks that they consider talking to people in the grocery store or City Hall to ask what they think about the councils', should it be 12 members or 13 members. He notes that Middletown voters are very engaged with Council meetings and may have ideas of their own. We should try not to leave any stone unturned. The special meeting will be held on Tuesday, Match 16th.

6. Adjournment

Councilwoman Linda Salafia moves to adjourn. Commissioner David Roane seconds the motion.

There being no discussion, the Chair calls for a voice vote. The motion to adjourn is unanimously approved. (Commissioners Aunger, Blanchard, Greaves, McKeon, Ribnicky, Roane, L. Salafia, M. Salafia, Sweeney, and Wilson.) The matter is approved.

Commissioner David Roane takes a point of personal privilege and acknowledges Attorney Mednick for a great job.

The meeting is adjourned at 9:40 PM.

ATTEST:
LINDA S.K. REED,
COMMON COUNCIL CLERK
F: Charter Revision 2020/ 2021 March 10 – minutes -- 10 March 2021