

CHARTER REVISION COMMISSION CITY OF MIDDLETOWN

May 27, 2021

Hon. Ashley Flynn-Natale
City & Town Clerk

Hon. Eugene Nocera, Majority Leader
Hon. Philip Pessina, Minority Leader
Middletown Common Council
Municipal Building
245 DeKoven Drive
Middletown, CT 06457

Re: Report and Submission of the Charter Revision Commission

Dear Madame City & Town Clerk, Messrs. Majority and Minority Leaders and Members of the Common Council:

Pursuant to §7-191(b) of the Connecticut General Statutes we are pleased to submit to you the Report of the Charter Revision Commission in the form of a Proposed Charter Revision for the City of Middletown, dated May __, 2021 ("Proposed Revised Charter"). This report is the culmination of a hectic Charter Revision Commission process that began with an organizational meeting on October 21, 2020 and continued with 20 additional meetings, including the first statutory public hearing on November 4, 2020, which continued on November 18th and December 2nd; a meeting with Mayor Florsheim and other city officials on November 18, 2020; additional public comment on February 10 and May 5, 2021 and the second statutory hearing on May 19th. The Commission also conducted a number of fact finding sessions. The final meeting adjourned on May 26, 2021.

The review of the current Charter was thorough within the context of the time allowed under the resolution of the Common Council. This Commission attempted to tackle some of the more significant structural and governance issues facing the City of Middletown as we move toward the end of the first quarter of the 21st Century. The Commission was guided by the proposition that the people of our City deserve a government that is accountable and best able to meet the demands faced by municipal governments in our time.

The Proposed Revised Charter is not presented as a reactive document. While this City and each municipality in our State has and continues to face enormous difficulties, the strong consensus of this Commission was to look forward...to set the table for the strong future that the people of Middletown deserve.

Not Change for Change Sake. From the beginning, the Commission strived to create a document that is organized, comprehensible and flexible. The Proposed Revised Charter is designed as a constitutional document, a directory of the relative powers (and constraints) of the government of our City. Accordingly, the Proposed

Members

Robert Blanchard, Chair – David Greaves, Vice Chair – David Roane, Secretary
Molly Auger – Hon. Edward McKeon – Selena Rivera – David Rudnicki – Hon. Linda Salafia
Molly Salafia - Kelly Sweeney – William Wilson – Tawana Bourne (Posthumous Member)
Hon. Eugene Nocera – Ex-Officio Member Attorney Steven G. Mednick, Counsel

**CHARTER REVISION COMMISSION
CITY OF MIDDLETOWN**

Revised Charter is driven by the desire to achieve both a greater level of accountability and maintain the flexibility to address public needs as they arise. We believe that government officials should be answerable to the people and that the government should be flexible enough to react by budget or ordinance to meet the needs of the people.

As we proceeded in this process we conducted a number of panel discussion to develop a context for the changes we adopted. In order to obtain comparative data on the structure of our Common Council we held informative discussions on the composition of our legislative body. Did Middletown want to move away from our current at-large Council to a district or hybrid model? Did we want to stagger terms of office for the Mayor and Council? Did we see any basis for creating a leadership structure of the Council?

The Commission held two panel discussion to develop the context for the changes we adopted:

Legislative Operations in Connecticut	
Comparable Practices (February 24th)	<ul style="list-style-type: none"> Hon. Mark Boughton, Commissioner of Revenue Services and former Mayor of Danbury and past President of CCM Hon. Mick McGarry, President of the Hamden Legislative Council Al Lucas, Director of the New Haven Office of Legislative Services Hon. Paul Pernerewski, President of the Waterbury Board of Aldermen
Local Practices (March 10th)	<ul style="list-style-type: none"> Gerald Daley, former Councilmember Sebastian Giuliano, former Mayor and Councilmember (Minority Leader) Mary Barolotta, former Councilmember (Deputy Majority Leader) Deborah Kleckowski, former Councilmember Marie Norwood, former Clerk of the Common Council
Equal Opportunity, Diversity, Equity, Affirmative Action and Inclusion	
Comparable Practices (April 21st)	<ul style="list-style-type: none"> Justin Richardson, Director of Human resources Faith Jackson, Director of the Office of Equal Opportunity & Diversity Management Rosa Browne, Chair of the Affirmative Action Monitoring Committee Ava Hart, Chair of the Human Relations Commission
Board of Education Classified Employees	
Redefining the Classified Service (May 5th)	<ul style="list-style-type: none"> Hon. Benjamin Florsheim, Mayor Dr. Michael Conner, Ed.D, Superintendent of Schools Kori Wisneski, Esq., Deputy General Counsel Jennifer Hobart and Brooke Carta, President and Vice President of AFSCME Local 466

The Commission also discussed equal opportunity on April 21st with the following panel of local officials:

Findings of the Commission

Middletown has a very lean Charter. That is a good thing. On the other hand, the Commission realized that there were many aspects where silence could lead to ambiguity or confusion. That is not a good thing. There was no testimony that wholesale change was necessary and the Commission did not believe that change for the sake of change was a direction we wanted to take. We believe that the changes we are recommending are sensible, purposeful and integral to the operation of our government.

The Commission focused on four categories of reform:

- Clarity and Accessibility
- Accountability
- Transparency in government
- Reform and Organizational Integrity

Clarity and Accessibility

A Charter, as the City's governing document, should establish sensible and ordered procedures that facilitate the operations of government. Most importantly the document should be clear and accessible to those who are served by the government...its residents. The Commission has restructured the Charter so that the contents are clear and that the procedures are understandable. In addition, in Chapter I the Charter includes "*defined terms*" that are commonly used, again, to improve access, clarify and reduce confusion or ambiguity. Finally, the Commission recommends *clarification of the \$750,000 standard* which is the cap for Council authorization of bond issuance in order to make clear that the cap covers improvements that are "less than or equal to 4750,000." (Chapter IX, Sec. 2.A).

Accountability

The Commission took steps toward reducing duplicative or unnecessary services or positions. The position of *elected Treasurer will be eliminated* at the end of the term of the current officeholder (Chapter II, Sec. 2.A).

Moreover, the legislative body of the City, the Common Council, will be enhanced in its oversight role with the following changes:

- Council President as Presiding Officer and head of legislative department with a President Pro Tempore (replacing Mayor as Presiding Officer and Deputy Mayor) (Chapter III, Sec. 1.B and Chapter IV, Sec. 2A);
- Council staff and legal assistance, including Clerk under control of Council (Chapter III, Sec. 1.D);

CHARTER REVISION COMMISSION CITY OF MIDDLETOWN

- Update of requirements pertaining to legislative rules of procedure (Chapter III, Sec. 3);
- Elimination of the Mayor as presiding officer of the Council (Chapter IV, Sec. 2.E) accompanied by an increase in Council membership from twelve to thirteen since the Mayor will no longer be the tie-breaker (Chapter II, Sec. 2.A); and,
- Common Council will return to a two-year term to assure staggered elections, increasing accountability (Chapter II, Sec. 4.A)

An additional legislative process reform requires improved standards for notice to the public in before final Council action can occur on Proposed Budgets (Chapter VI, Sec. 1.F). The Charter will require the following:

- Notice to the public Prior to Final Budget Action;
- Public posting of Budget Amendments and Materials; and,
- Disclosure requirements prior to final action on the budget by the Council.

Transparency in Government

The Charter Commission also tackled the issue of compensating a Mayor. Many Mayors throughout the State suffer through the political difficulties and sensitivities associated with raising the salary of the City's Chief Executive Officer. As a result, many Mayors go without raises for many years or surreptitiously receive such increases when lame-duck legislative bodies give them an increase, usually after an election. The Charter provides for automatic increases based on CPI and in accordance with the State Constitution, which does not permit annual increases. (Chapter IV, Sec. 1.C).

Boards and Commission are an important part of the governing process in Middletown as it is in many municipalities throughout our state. However, there are very few rules which govern the conduct of these important government bodies. Chapter VIII of the Charter will be revamped to include the following standards that will apply to all Boards and Commissions:

- Uniform standards for the creation of Boards and Commission (Sec. 1.A)
- Appointment authority (Sec. 1.B)
- Limitation of Service of three consecutive terms (Sec. 1.C)
- Addressing vacancies and removal of board and commission members (section 1.D and E)

CHARTER REVISION COMMISSION CITY OF MIDDLETOWN

- Residency Requirement sand exceptions for nonresidents appointed as the representative of a local organization (Sec. 1.F)
- Dual appointment prohibition with limited exceptions (Sec, 1.G)
- Minority Party representation (sec. 1.H)
- Prohibition of compensation for service (Sec, 1.I)
- Restrictions on Members of the Board of Ethics (Sec. 1.J)
- Required cooperation of executive officials and Board and Commission (Sec. 1.K)
- Publication requirements pertaining to solicitation of resident participation (Sec. 1.L)

Reform and Organizational Integrity

Integrity in government requires standards of accountability. The Commission has taken steps in this revised Charter to set forth *clear standards of conduct for public officials addressing conflict of interest and ethics* (Chapter II, Sec. 10). In addition, the Charter, if adopted by the voters will include *removal provisions* for department heads, board and commission members and elected official (Chapter II, Sec. 11 + 12 and Chapter V, Sec. 2). The Charter will also set forth procedures for the *creation, reorganization and elimination of municipal departments* (Chapter V, Sec. 1.C).

The Charter also clarifies and simplifies the legal functions of the City by including the *Office of the General Counsel* in the Charter (Chapter IV, Sec. 7) replacing the “City Attorney” which may have existed at some time but doesn’t any longer. The Commission also recommends the *elimination of the position of Corporation Counsel* at the end of the current term of office for the Mayor and Council (Chapter IV, Sec. 1.B). The title Corporation Counsel is usually associated with the chief legal officer of the municipality. In Middletown the General Counsel fills that role. At the present time the Corporation Counsel is appointed by the Mayor; however, serves as a legal advisor or in the role of a parliamentarian to the Common Council. With the changes recommended by this Commission, we believed that retaining the position was superfluous.

The Commission has also mandated the creation of a Civilian Review Board (Chapter VII, Sec. 5) under the provisions of state statute.

At the request of the Mayor and Superintendent of Schools the Commission has altered the definition of classified service employees under the control of the Mayor to transfer said employees to the Board of Education. Following modification of the applicable collective bargaining agreements these employees would be removed from the Classified Service of the City and placed under the direct control and jurisdiction of the Board of Education with benefits and status undiminished (in

**CHARTER REVISION COMMISSION
CITY OF MIDDLETOWN**

accord with provisions of the applicable bargaining agreements). Non-bargaining employees would be included in this transfer (Chapter X, Sec. 1.A)

Finally, the Charter will also include policy requirements pertaining to equal opportunity, diversity, equity, affirmative action and inclusion in the Classified Service, which will set forth standards for City employees, if approved (Chapter X, Sec. 1.G)

It has been our honor to serve you.

Respectfully submitted,

MIDDLETOWN CHARTER REVISION COMMISSION

By: _____
Robert Blanchard
Chair

cc: Hon. Benjamin Florsheim, Mayor
City of Middletown

Members of the Charter Revision Commission
City of Middletown

Steven G. Mednick, Esq.
Counsel

DRAFT TRANSMITTAL LETTER