

RESOLUTION No: 86-21

DATE: June 23, 2021

RESOLUTION

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

WHEREAS, the Commission report focused on four (4) categories of Charter reform for the Common Council to consider sending to its citizens for approval at the November 2021 election:

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Council *tentatively agrees with the following recommendations as presented* in the draft report:

1. Clarity and Accessibility:

- a. Restructure Charter document for clarity and understandability;
- b. Adopt "Defined Terms," which are commonly used throughout the Charter document;
- c. Clarify \$750,000 bond issuance standard (Chapter IX, Section 2A)

2. Accountability

- a. Memorialize the existing Common Council policies and practices for Council staff and legal assistance, including Clerk of the Common Council, are under direction and control of Common Council (Chapter III, Sec. 1.D);
- b. Update requirements pertaining to legislative rules of procedure (Chapter III, Sec. 3);
- c. Amend budget process public notice standard on proposed budget with notice to public prior to Final Budget Action, public posting of Budget Amendments and Materials, and disclosure prior to final action on the budget by the Council. (Chapter VI, Sec. 1.F)

3. Transparency in Government

- a. Establish automatic increases in Mayor's salary based on Consumer Price Index (CPI) and in accordance with the State Constitution, which does not permit annual increases. (Chapter IV, Sec. 1.C).
- b. Amend standards for all Boards and Commissions (Chapter VIII)
 - i. Adopt uniform standards for the creation of Boards and Commission (Sec. 1.A)

- ii. Appointment authority (Sec. 1.B)
- iii. Limit any service appointment to three (3) consecutive terms (Sec. 1.C)
- iv. Standard to address board and commission vacancies (Section 1.D)
- v. Removal of board and commission members (Section 1 E)
- vi. Residency Requirement and exceptions for nonresidents appointed as the representative of a local organization (Sec. 1.F)
- vii. Dual appointment prohibition with limited exceptions (Sec, 1.G)
- viii. Minority Party representation (sec. 1.H)
- ix. Prohibit compensation for service (Sec, 1.I)
- x. Adopt restrictions on Members of the Board of Ethics (Sec. 1.J)
- xi. Required cooperation of executive officials and Board and Commission (Sec. 1.K)
- xii. Publish requirements pertaining to solicitation of resident participation (Sec. 1.L)

4. Reform and Organizational Integrity:

- a. Adopt clear standards of conduct for public officials addressing conflict of interest and ethics (Chapter II, Sec. 10).
- b. Adopt procedures for the creation, reorganization, and elimination of municipal departments (Chapter V, Sec. 1.C).
- c. Adopt provisions to clarify and simplify legal functions of the City by including the Office of the General Counsel in the Charter and deleting “City Attorney” (Chapter IV, Sec. 7)
- d. Eliminate position of Corporation Counsel at the end of the current term of office for the Mayor and Council, replacing with Council appointed Parliamentarian (Chapter IV, Sec. 1.B).
- e. Revise definition of “classified service employees,” moving specific employees, including non-bargaining employees, from control of the Mayor to the Board of Education. (Chapter X, Sec. 1.A); and

BE IT FURTHER RESOLVED: That the Council recommends the following items for **reconsideration** by the Commission:

1. Accountability:

- a. Eliminate elected position of Treasurer at end of the current officeholder's term (Chapter II, Sec. 2.A);
- b. Designate a Council President as Presiding Officer and head of legislative department and a President Pro Tempore, replacing the Mayor as Presiding Officer and Deputy Mayor, respectively (Chapter III, Sec. 1.B and Chapter IV, Sec. 2A); and Eliminate Mayor as Presiding Officer of the Council (Chapter IV, Sec. 2.E);

2. Reform and Organizational Integrity:

- a. Adopt removal provisions for department heads, board and commission members, and elected official (Chapter II, Sec. 11 + 12 and Chapter V, Sec. 2)
- b. Adopt policy requirements for equal opportunity, diversity, equity, affirmative action, and inclusion in the Classified Service, setting forth standards for City employees (Chapter X, Sec. 1.G); and

BE IT FURTHER RESOLVED: That the Council recommends the following items be **eliminated** by the Commission:

Accountability:

- a. Increase Council membership from twelve to thirteen since the Mayor will no longer be the tie-breaker (Chapter II, Sec. 2.A); and,
- b. Change Common Council term of office from current 4-year term to original 2-year term to assure staggered elections, increasing accountability (Chapter II, Sec. 4.A); and

BE IT FURTHER RESOLVED: That the Republican Caucus recommends that the following items, and only the following items, be eliminated by the Commission:

1. Transparency in Government: Amend standards for all Boards and Commissions (Chapter VIII), iii. Limit any service to three (3) consecutive terms (Sec. 1C);
2. Transparency in Government: Amend standards for all Boards and Commissions (Chapter VIII), vii. Dual appointment prohibition with limited exceptions. (Sec. 1.G);
3. Reform and Organizational Integrity: Revise definition of "classified service employees," moving specific employees including non-bargaining employees, from control of the Mayor to the Board of Education. (Chapter X, Sec. 1.A);
4. Reform and Organizational Integrity: Mandate creation of a Civilian Review Board as provided by State statute (Chapter VII, Sec. 5);

5. Accountability: Change Common Council term of office from current 4-year term to original 2-year term to assure staggered elections, increasing accountability (Chapter 11, Sec. 4.A); and

BE IT FURTHER RESOLVED: That the Council *questions whether or not the following should be included in the Charter:*

Reform and Organizational Integrity:

- a. Mandate creation of a Civilian Review Board as provided by State statute (Chapter VII, Sec. 5)

BE IT FURTHER RESOLVED: that the Council authorizes the Commission Counsel and the General Counsel to continually review the document for errata and non-substantive editorial revisions.

Fiscal Impact: None

Submitted by: Councilman Eugene Nocera
On behalf of the Democratic Caucus

Amendment Submitted by: Councilman Anthony Gennaro, Sr.
Councilwoman Linda Salafia
On behalf of the Republican Caucus

Status: APPROVED, AS AMENDED
by Common Council, City of Middletown
At its meeting held on: JULY 6, 2021

K: review/ resolution/ CC Charter Revision recommendations RES 86-21 – 6 July 2021