

Middletown Charter Review Committee
Minutes of 26 July 2017, Middletown Library Conference Room

Attendees (Underline & **Bold indicates present)**

Chris Semonelli, Chair
Barbara Barrow
William Flynn, Sr.
Paul Mankofsky

Art Weber, Vice Chair
Roby Faria
Wendy Heaney
Kevin O'Halloran

Richard Adams, Sec.
Linda Finn
Marilyn Hennessey
Tom Silveira

Ex Officio/Liaisons (Underline & **Bold indicates present)**

Councillor Barbara Vonvillas

Councillor Dennis Turano

Town Administrator Shawn Brown

Town Solicitor, Peter Regan

Administrative

A quorum being present, the meeting was called to order at 6:05 PM.

Approval of the minutes of May 31, 2017 and June 28, 2017 was deferred.

Charter Review and Discussion

Mr. Regan and Shawn Brown began by providing a brief overview of Committee discussion thus far and a review process. He noted that the "Recommended Changes" shown in the table did not preclude the Committee from returning to a Charter Section and proposing changes. The Sections listed as "**None**" simply means that thus far no specific changes had been approved by the Committee for that Section.

The Committee continued with an Article-by-Article review and discussion. The table below summarizes the discussion.

Article/ Section	Discussion	Recommended Changes
II/208	The Committee discussed the Town Council budget approval process. It was noted that a balanced budget is required and that the Council has "bottom line" authority only over School System budgets as required by RIGL. The Committee also discussed the limits of Town budget increases. Mr. Mankofsky asked if Town meeting announcements could be improved by use of social media or other means. He noted that recent budget meetings were attended by very few residents and asked if the Town could improve the announcement process by use of a website calendar, listserv notifications or methods other than newspaper and Secretary of State postings. Mr. Brown indicated he would discuss such changes with Town Staff.	None
II/209	Explanation of process only.	None
II/210	The Committee held general discussion of RI Open Meeting law as it applied to Town open meeting and Executive Sessions. It was noted that if conflicts arose this section was superseded by RIGL and legal precedent. It was noted that the conduct of meetings is also governed by Council Policy Statements which cover such items as use of Robert's Rules of Order and civility. Council Policy Statements are posted on the Town website.	None
II/211	Mr. Regan noted that conflicts of interest are governed by RIGL and court precedents.	None

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Article/ Section	Discussion	Recommended Changes
III/301	Shawn Brown provided an overview of this section. He noted that he serves “at the pleasure of the Council” and does not have an employment contract although 3-year contracts are common for Town Administrators. His term of office is indefinite but may be altered by the Town Council at any time. The Committee held a general discussion of the advantages and disadvantages of a Town Administrator employment contracts. The Committee also discussed the requirement for a Town Administrator to reside in Middletown.	None
III/302	Explanation only	None
III/303	The Committee continued the discussion of the desirability of a Town Administrator employment contract. Mr. Brown indicated that he was comfortable with the present arrangement.	None
III/304	Mr. Regan and Mr. Brown provided an explanation of each of the enumerated powers of the Town Administrator focusing on the reporting relationships between the Town Department Heads and the Administrator. Mr. Brown noted that with the exception of the School Superintendent, who reports to the School Committee, all Department Heads report to the Town Administrator. Shawn noted that he is ultimately responsible for the efficient functioning of the Town administration as well as public safety, including the performance of the Police and Fire Departments. Mr. Brown illustrated the reporting process by describing the budget development and review process, noting that the only exception was the School Department, over which the Town Administrator and Council have “bottom line” review/approval authority only.	None
III/304.a	Shawn provided a general description of the budgetary process as described in this section. In reply to a question from the Committee he noted that any fund balance or surplus generated by the Town may be used to meet Town financial needs while fund balances generated by the School Department may be used only within that department.	None
III/304.b	Self-explanatory	None
III/304.c	Peter Regan and Shawn Brown provided a general description of the process for appointment or removal of a Town Department Head. Shawn noted that only one occasion had a Town employee requested a hearing before the Town Council. Although the Town Administrator customarily requests the Council approval for Department Head hiring, the Administrator retains the authority to make a final decision.	None
III/304.d	Self-Explanatory.	None
III/304.e	Mr. Regan explained that this section is intended to allow the Administrator to form teams for specific purposes from Town employees as deemed necessary. The section also provides the Administrator authority to assign or reassign Town employees within and among departments as necessary.	None
III/304.f	Mr. Regan explained that this section directs the Administrator to provide annual reports to the Council and provides the Administrator with the authority to require reports and analyses from Town staff. Mr. Brown noted that the requirement for a Town Annual Report is currently being fulfilled by the Town website.	None
III/304.g	Mr. Regan explained that this section is needed to ensure that the Administrator has the needed authority to carry out his duties.	None
III/305	Mr. Regan and Mr. Brown explained that this section is intended to prevent the Town Administrator from having to report directly to each Town Councillor. That is, the Council is to concern itself with the setting of Town policies and the Administrator with Town operations. The section prevents individual Town Councillors from attempting to direct specific actions by the Administrator.	None

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Article/ Section	Discussion	Recommended Changes
III/306	Self-explanatory.	None
III/307	In response to a Committee question, Mr. Brown indicated that there is no set policy or protocol for appointment of an Acting Administrator in his absence. The Administrator may select an Acting Administrator depending on departmental workloads and Department Head availability.	None
III/308	Self-Explanatory	None
III/309	Self-Explanatory	None
IV/401	Mr. Regan began with a general description of the voter initiative process.	None
IV/402	Mr. Regan continued his description of the initiative process and noted that this process has been invoked on only one occasion in his experience.	None
IV/403	Self-Explanatory	None
IV/404	Mr. Regan explained the recall process and noted that recall has not been used in Middletown. A general discussion by the Committee followed, including the meaning of specific terms and the practical difficulties of initiating a recall petition. Mr. Regan indicated that the language of this section had been thoroughly vetted and he was not aware of any problems.	None

The Committee agreed to continue the discussion of Article V and Article VI and if possible Article VII at the next meeting

Charter Change Schedule

Deadlines to place Charter changes on the ballot for the 2018 election are as follows:

Date	Event
December 2017	Charter Review Committee (CRC) work complete.
March 2018	CRC Change Recommendations submitted to Town Council.
June 2018	Last date for changes to Council.
July-September 2018	Town Council consideration of recommended changes. Council hearings on Council accepted Charter changes.
October 2018	Charter changes submitted to RI Secretary of State for incorporation in 2018 ballot.
Tuesday, November 6, 2018	Referendum on proposed Charter Changes

Next Meeting

The next Committee meetings are scheduled for Wednesday, August 30, 2017. All meetings are at 6:00 PM in the Middletown Library conference room.

The meeting was adjourned at 7:44 PM.

Respectfully Submitted,

/s/ Richard Adams, Secretary

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Post meeting note:

Below are tentative dates for the remaining Charter Committee meetings. All are on the last Wednesday of the month with the exception of the Wednesday after Christmas.

Wednesday, September 27, 2017, 6:00-7:30 PM at the Middletown Library Conference Room

Wednesday, October 25, 2017, 6:00-7:30 PM at the Middletown Library Conference Room

Wednesday, November 29, 2017, 6:00-7:30 PM at the Middletown Library Conference Room

No meeting in December

Wednesday, January 4, 2018, 6:00-7:30 PM at the Middletown Library Conference Room

Wednesday, January 31, 2018, 6:00-7:30 PM at the Middletown Library Conference Room

Wednesday, February 28, 2018, 6:00-7:30, location TBD

Wednesday, March 28, 2018, location TBD

Wednesday, April 25, 2018, 6:00-7:30 PM at the Middletown Library Conference Room

Wednesday, May 30, 2018, 6:00-7:30 PM at the Middletown Library Conference Room