

**Charter Change Meeting for New Castle City took place on July 7, 2011 at 1:00 p.m. in the City of New Castle's Town Hall.**

Members Present:

Dr. Genevive Miller, Chair

John Houben

Josephine Moore

James Vincent

Dan Losco, City Solicitor

Dr. Miller called the meeting to order at 1:00 p.m. Roll call was taken and a quorum was declared.

Dr. Miller asked Mr. Losco to outline the July 6 meeting.

Mr. Losco reviewed the discussion of Mayor's Court. The City is not currently using it, so it is not hurting us to keep it in the Charter. There could possibly come a time when the State will not or cannot hear our cases. If that were ever to come to pass, it could be reinstated.

Mr. Houben stated that other municipalities bring in up to \$70,000.00 a year in court fees.

Mr. Losco responded that there would be many safety and personnel costs, possibly outweighing the money brought in.

Mr. Houben agreed that while it might not be financially feasible to reinstate at this time, if we give it up, we will lose it. The committee agreed that while they did not recommend reinstating Mayor's court at this time, they did not recommend doing away with it altogether.

Mr. Losco said regarding the President of Council acting on behalf of the Mayor. "In the absence of the Mayor to perform any duty of this Charter, the President of Council will be authorized to perform those duties." Committee recommends taking out the wording requiring written authorization from the Mayor.

Mr. Losco reviewed from previous meeting the question of how the Charter would decide a Council Election tie, or a Councilperson who is unable or unwilling to serve. The state has pending legislation requiring that if you have a tie vote in an election that the City Council will break the tie. This will save the cost of running another election, and asking Election Committee to run an additional election.

Dr. Miller reviewed Mr. Heyman's request from the July 6 meeting. Mr. Heyman requested that any issue could be brought to binding referendum through a petition with sufficient signatures. He referred to it as a California style referendum.

The Committee did not favor an open ended, binding referendum process.

Section 16: Instead of referring to specific animals, replace with running at large of any animal. Discussion of Trolley Poles and Street Railway's. These references to Trolleys could be removed, but we do want to be cautious, taking things out of the Charter diminishes the power of Council to regulate things in the City. That paragraph can stay as is, just change Mayor and Council to The City of New Castle.

Dr. Miller asked how the Charter will be delivered to Council. The Committee had discussed not giving anything to Council until they were done.

Mr. Losco said his office would make the changes and deliver to Council.

Mr. Losco said he had a call from Mayor Reese, and he asked the Committee to consider eliminating the Board of Health. His feeling is that most public health issues are handled at a State level, matters such as grass and code issues are handled by Code Enforcement. However, State law mandates that municipalities have a Board of Health.

Section 17: Committee has concerns on borrowing limits. Mr. Losco stated the current Charter limits Council borrowing to 20% of the assessed value for all real estate in the City. The Committee should do the calculation on what that would be. There needs to be sufficient flexibility for Council to borrow, but not for them to drive the City into such a level of indebtedness that it would cause taxes to go up.

Dr. Miller asked if the Committee was asking if there was a way the Council could borrow money, but the tax payers of the City through the Charter could control that.

There is language in the Charter stating that any borrowing over a certain ceiling would automatically call for a referendum.

Josephine Moore questioned where it states in the Charter, that there is one vote for every 100 dollars of assessed value.

Mr. Losco questioned if that was even constitutionally permitted. That would make the rich person's vote more valuable than the poor person's.

The voting age needs to be changed to 18 years instead of 21 years. As in all elections they would need to be a registered voter.

Mr. Losco pointed out that Charter is unclear on borrowing limits in regard to when a referendum would be called for. He will talk to City Administrator and report back.

Section 18: Mr. Houben brought up the question of adding something in the Charter to address Mayor or Councilperson missing too many meetings. In other Charters if an elected official misses (for no justifiable reason) three consecutive meetings, they are relieved of their position. This would also hold true for being convicted of a felony.

The line regarding salaries can come out, the current salaries were set by Resolution. The last line regarding “the compensation of any officer elected by the people shall not be changed during his or her continuance in office” should stay in; preventing Council from voting themselves a raise.

19-a Committee thought Chapter 19 regarding assessments could come out. Our assessment is based on the County Assessment.

Mr. Losco wanted to know if we had a town assessor. He stated that we might want say is the Council has the ability to appoint an assessor to set the tax base, and alternately can rely on other governmental assessment calculations.

Mr. Losco stated that while we do not have an assessment ourselves, 19-a talks about the County quarterly assessments, so the City would want to keep this section in the Charter. If we go by the County assessment and raise the taxpayers assessment they would need a way to appeal. There is a reference to a City assessor that may need to come out, if we do not have an assessor.

Mr. Losco suggested that 19-a stay in as is, with references to City assessor taken out.

19-b Addresses the Council’s power to issue licenses and charge for them.

Section 20: The second paragraph states that if you do not pay your taxes a lien will be put on your property; but it stipulates that it will only be in effect for two years. If the City does not foreclose before that time, the lien will no longer in force.

Committee recommends stating in charter that the lien will continue until tax is paid.

Life Estates: Mr. Losco said they are rare, but still do exist. Property willed to a person, but only for the term of their life. After their death property will revert back to another party or parties. This sentence can come out.

Mr. Losco questioned if the Tax Collector is an official position, or is that a term that needs to be modernized.

Dr. Miller made a motion to adjourn

Meeting adjourned at 2:06 p.m.

Respectfully Submitted,

*Kim Burgmuller*