

2024-4

ORDINANCE OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF MIDDLETOWN

TITLE III ADMINISTRATION Chapter 32, Departments, Boards and Commissions

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title III, Chapter 32, Entitled “Departments, Boards and Commissions” is amended by adding a new Section 32.95 entitled “School Building Committee” thereto:

Section 32.95 School Building Committee

Section

32.95 (A) Legislative Findings and Intent

32.95 (B) Creation; Membership

32.95 (C) Organization; Officers

32.95 (D) Purpose

32.95 (E) Duties and Responsibilities

A. Legislative Findings and Intent.

1. The processes for determining the necessity of school construction, for establishing standards for design and construction of school buildings, and for approving school construction projects are governed by the Rhode Island Department of Education (“RIDE”) School Construction Regulations (5/27/07), 200 R.I. Code R. § 200-RICR-20-05-4 (the "Regulations"), promulgated by the Rhode Island Board of Regents for Elementary and Secondary Education.

2. The Regulations define a school construction project (a “Project”) to include “construction of a new school facility, addition to an existing school facility, renovation or refurbishment of an existing school facility, purchasing and renovating a building as a school facility, and repair or replacement of any eligible part of a school facility”.

3. Pursuant to the Regulations, any proposed Project application submitted to RIDE for approval must list the members of a School Building Committee.

4. The Town Council intends, through the enactment of this ordinance, to form a School Building Committee for the purpose of assisting, advising, and making recommendations to the Middletown School Committee and the Middletown Town Council with respect to the submission of applications for approval and delivery of school construction projects.

B. Creation, Membership. There is hereby created a School Building Committee consisting of ~~thirteen (13) eleven (11) members and two (2) alternate~~ members, including the Superintendent of Schools; the Director of Facilities for the School Department; the Assistant Superintendent of Teaching and Learning or their Designees; one (1) school principal appointed by the Superintendent, who shall be the principal of the subject school; two (2) members of the School Committee appointed by the School Committee chair; the Town Administrator or his designee; two (2) members of the Town Council appointed by the Town Council President (collectively, the “non-public members”); and four (4) two (2) members of the public appointed by the School Committee (the “public members”), ~~and two (2) alternate members of the public~~. All public members shall be Middletown residents and shall have architectural, engineering and/or construction experience. Alternates may be appointed from time to time for the non-public members. Alternate members ~~may~~ sit and may actively participate in Committee meetings, but shall not vote on any matter requiring a vote, unless the primary member is absent. Committee members shall continue to hold their respective offices until their qualified successors have been appointed; provided that public members shall be appointed to serve terms of three (3) years, which terms shall commence upon passage of this ordinance. No public member shall serve for more than two consecutive terms without at least a one year interval before being appointed for an additional term.

C. Organization, Officers. The School Building Committee shall organize annually by electing one of its members to serve as the Chair, another to serve as the Vice-Chair, to act as the Chair in the Chair’s absence, and another to serve as Secretary, who will be responsible to keep minutes of all Committee meetings. The Chair shall conduct all meetings in accordance with the Rhode Island Open Meetings Law and Robert’s Rules of Order, and shall serve as a liaison between the staff and the Committee. Regular meetings of the Committee shall be held at least monthly on such days as the Board may determine, and special meetings shall be held at the call of the Chair or on the written request of three members. Six (6) members of the board shall constitute a quorum at any regular or special meeting.

D. Purpose. The School Building Committee shall serve in an advisory capacity. Its purpose shall be to provide input and oversight relative to the effect of the master planning and delivery of construction projects on the community; to examine scope, designs, construction plans, and budget for reasonableness and compliance; to recommend a master plan and construction projects to the School Committee and the Town Council for approval and submission to RIDE; and for any other purpose that shall from time to time be adopted by the School Committee and/or the Town Council. The Building Committee shall not have authority to enter into contracts or to participate in the day to day fiscal management of school construction projects.

E. Duties & Responsibilities. The School Building Committee, facilitated by Owner’s Representative/Project Manager where applicable, shall provide input and oversight relative to the effect of the master plan and delivery of school construction projects on the community; to examine scope, designs, construction plans, and budgets for reasonableness and compliance; and to recommend a master plan to the School Committee and the Town Council for approval and submission to RIDE, and to serve in an advisory capacity during the construction phase of the school construction projects.

The School Building Committee shall report to the School Committee and Town Council as necessary on all pertinent issues, and where applicable, the Owner's Representative/Project Manager will attend public meetings of the School Committee and Town Council as necessary to present School Building Committee updates and reports. The School Building Committee will post all meetings, agendas and minutes on the Rhode Island Secretary of State website. Minutes of the meetings will be prepared by the School Department's designee and shall be approved by the School Building Committee.

Upon approval and funding of a school construction master plan, the Town Council and School Committee, with relevant input from the School Building Committee, shall provide overall fiscal oversight and assure accountability in the management of the project and the spending of public funds. Financial responsibility/authority shall be with the designated representative from the contract signatory – Superintendent of Schools or Town Administrator. Where both the School Department and Town co-sign contracts, the Town Administrator shall have financial responsibility.

SECOND: This ordinance shall take effect upon adoption and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.

February 20, 2024

READ AND ADOPTED IN COUNCIL, AS AMENDED



Wendy J.W. Marshall, MMC

Town Clerk