

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
JANUARY 23, 2007**

ATTENDANCE: Tom McCarthy, Chairman; Bob Walsh, Michelle Lyons, Bob Curwen.

OTHERS: Mark Anastasi, City Attorney; Councilman Rafael Mojica, Councilman Thomas Mulligan, Councilman Donna Curran

CALL TO ORDER

Chairman McCarthy called the meeting to order at 6:12 P.M.

APPROVAL OF MINUTES

October 24, 2006 Minutes

The Committee discussed whether to handle Item 145-05, before the approval of the minutes. Councilman Walsh objected, stating that the minutes from October 24th dealt with the same subject. He suggested that the issues covered in 145-05 be addressed in the minutes. Chairman McCarthy reminded everyone that 145-05 has been passed in committee and in full council and the only reason it has not taken effect yet due to miscommunications. Attorney Anastasi stated that he agreed with Councilman Walsh on this matter. He pointed out that Councilman Walsh's suggestion to address the item by correcting the minutes was a good one and outlined his reasons for this.

Chairman McCarthy asked Councilman Walsh what the issue was with the minutes. Councilman Walsh stated that the City Clerk was indicating there was a problem in the minutes, where it states the following:

(On page 5)

**** COUNCIL MEMBER WALSH MOVED TO APPROVE 3.16.030
TAX EXEMPTION-NONPROFIT ORGANIZATION.**

Pursuant to the authority set forth in Section 12-81 (58) of the General Statutes of Connecticut, as amended, real property shall be exempt from property tax provided all of the following requirements are met:

A. The real property is owned by a charitable, religious or nonprofit organization, exempt from federal income tax;

*B. The real property, **or a portion thereof**, is leased to a charitable, religious or nonprofit organization, exempt from federal income tax (the "lessee");*

*C. The **portion of the** real property **that is leased to the lessee** is used exclusively for the purposes of the lessee;*

D. The tax assessor shall provide the council with a report every six months stating the impact to the city from this tax exemption. (Ord. dated 9/3/02: Ord. dated 5/21/90: prior code § 28-5).

There was no second to the motion.”

And a section from page 6 as follows:

“ Council member Walsh suggested an amendment to the amendment to read:

“MORE THAN 20% OF REAL PROPERTY IS BEING USED EXCLUSIVELY BY THE LESSOR FOR EXEMPT PURPOSES AS OUTLINED IN THE LESSOR’S FILING BY THE TAX ASSESSOR”

i.e., they are allowing up to 80% to be used by a nonprofit.

Mr. O’Brien returned to Council member Curwen’s previous question and stated there was an indication of other nonprofits to find locations with this type of ordinance.

Council member Dye asked what the amendment would mean. Mr. O’Brien said then the YMCA would off the list.

Council member McCarthy asked if they took the new amendment and in six months, the matter could be reviewed. And if changes were found, then they will react to them at that time.

Attorney Liskov questioned the effect this would have to appeal the ordinance if it was reduced by estoppel, especially if they relied upon the ordinance being there.

Council member McCarthy said if they gave 20% they wouldn’t be able to go back and repeal and they may have a claim against them, because essentially they forbade them from buying the property.

*City Attorney Anastasi suggested the language could be reviewed periodically and they could reserve the right to amend it as deemed necessary (**he noted he would draft the language**).*

**** COUNCIL MEMBER CURWEN MOVED TO AMEND THE ORDINANCE WITH THE CITY ATTORNEY’S LANGUAGE TO BE INCORPORATED. THE LANGUAGE SHOULD BE SUBMITTED**

BEFORE THE NEXT SCHEDULED CITY COUNCIL MEETING

*** COUNCIL MEMBER SILVA SECONDED*

*** MOTION PASSED UNANIMOUSLY'*

Councilman Walsh stated the City Clerk was interpreting this as pertaining to Atty. Anastasi's language as opposed to the 20% percent. Councilman Walsh stated that the 80% was the topic of discussion up until Atty. Liskov raised his question. Atty. Anastasi commented that he had not drafted the language for the ordinance until that night on the floor of the City Council. The City Clerk has stated that she is fine with the language that Atty. Anastasi submitted. The Clerk has stated the problem is with the 80/20, which Atty. Anastasi pointed out, has been approved by the full Council.

Councilman Walsh then suggested that the October 24th minutes be amended on page 7, paragraph 5 from:

*** COUNCIL MEMBER CURWEN MOVED TO AMEND THE ORDINANCE WITH THE CITY ATTORNEY'S LANGUAGE TO BE INCORPORATED. THE LANGUAGE SHOULD BE SUBMITTED BEFORE THE NEXT SCHEDULED CITY COUNCIL MEETING*

to:

*** COUNCIL MEMBER CURWEN MOVED TO AMEND THE ORDINANCE WITH THE MORE THAN 20% OF THE REAL PROPERTY AMENDMENT AND INCLUDING THE CITY ATTORNEY'S LANGUAGE TO BE INCORPORATED. THE LANGUAGE SHOULD BE SUBMITTED BEFORE THE NEXT SCHEDULED CITY COUNCIL MEETING*

Chairman McCarthy asked how this would be communicated to the full Council. Attorney Anastasi stated that after the minutes are approved, there were two courses of action open to the Committee. One is to send the approved minutes to the City Clerk. This may clarify the issue. If not, then Atty. Anastasi pointed out that the full Council will have to find a way to clarify that they adopted the proposal that Councilman Walsh intended.

**** COUNCILMAN CURWEN MOVED TO AMEND THE MINUTES FROM THE OCTOBER 24, 2006 MEETING ON PAGE 7 TO READ AS FOLLOWS:**

****** COUNCIL MEMBER CURWEN MOVED TO AMEND THE ORDINANCE WITH THE MORE THAN 20% OF THE REAL PROPERTY AMENDMENT AND INCLUDING THE CITY ATTORNEY'S LANGUAGE TO BE INCORPORATED. THE LANGUAGE SHOULD BE SUBMITTED BEFORE THE NEXT SCHEDULED CITY COUNCIL MEETING.***

AS A CLARIFICATION.

**** COUNCILWOMAN LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCILMAN CURWEN MOVED TO APPROVE THE AMENDED
MINUTES OF OCTOBER 24, 2006
** COUNCILWOMAN LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

November 7, 2006 Minutes

**** COUNCILMAN CURWEN MOVED TO APPROVE THE NOVEMBER 7, 2006
PUBLIC HEARING MINUTES AS SUBMITTED.
** COUNCILWOMAN LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

**145-05 Amendment to Municipal Code, Chapter 3.16 Property Taxes, amend
Section 3.16.030 – Tax exemption – Nonprofit organization. (CLARIFICATION).**

Councilman Curwen felt that there was little that could be done concerning item 145-05.
The rest of the committee agreed with him.

**** COUNCILMAN CURWEN MOVED TO TABLE ITEM 145-05 AMENDMENT
TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, AMEND
SECTION 3.16.030 – TAX EXEMPTION – NONPROFIT ORGANIZATION.
(CLARIFICATION).**

**** COUNCILWOMAN LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

**01-06 Proposed New Ordinance Establishing a Tax Exemption for Vehicles
Specially Equipped or Modified for Handicapped or Medically Incapacitated
Persons.**

There was an amendment in the sponsorship of item 01-06 from Tom White to Tom
McCarthy and Keith Rodgeron.

Attorney Anastasi suggested that such an exemption would carry budgetary impacts.

Councilman Walsh stated that he had met people in possession of the vehicles and
suggested that the council instead cut the tax by 50% so as to gain a better understanding
of how many modified vehicles exist within the city. He also stated that several other
towns were already exempting the modified vehicles from taxes.

Chairman McCarthy stated that he had met a family that had been given one of the modified vehicles for their wheelchair-bound son but was unable to afford the taxes on the vehicle. He then admitted that more research needed to be done. He asked, however, if anyone would like to speak. Councilman Mojica, Councilman Mulligan, and Councilman Curran indicated that they would like to speak on the matter.

Councilman Mojica stated that he had noticed that previous budget cuts had a tendency to come back to haunt the council.

A discussion followed about how much this ordinance would cost the city if enacted.

**** COUNCILMAN CURWEN MOVED TO TABLE ITEM 01-06 PROPOSED NEW ORDINANCE ESTABLISHING A TAX EXEMPTION FOR VEHICLES SPECIALLY EQUIPPED OR MODIFIED FOR HANDICAPPED OR MEDICALLY INCAPACITATED PERSONS UNTIL FURTHER RESEARCH INTO THE COST OF THE ORDINANCE COULD BE DONE.**

**** COUNCILWOMAN LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

28-06 Proposed amendment to Municipal Code, Chapter 3.16 Property Taxes, add new Article IV Tax Abatement Other, new Section 3.16.175 Abatement for surviving spouses of police officers and firefighters.

There was a lengthy discussion concerning what constituted death in the line of duty and the size of the abatement.

**** COUNCILMAN CURWEN MOVED TO TABLE ITEM 28-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, ADD NEW ARTICLE IV TAX ABATEMENT OTHER, NEW SECTION 3.16.175 ABATEMENT FOR SURVIVING SPOUSES OF POLICE OFFICERS AND FIREFIGHTERS UNTIL DETAILS CONCERNING THE AMOUNT THAT WAS TO BE ABATED AND A STUDY INTO HOW MANY FIREFIGHTERS AND POLICEMEN DIE IN THE LINE OF DUTY WAS COMPLETED.**

**** COUNCILWOMAN LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

33-06 Proposed amendment to Municipal Code, Chapter 3.16 Property Taxes, add new Section 3.16.070 Senior Citizen's Additional Motor Vehicle Tax Exemption.

There were concerns raised about how much money the proposed exemption would take away from the budget should this ordinance be passed. There was also question as to how many people would qualify for the exemption.

**** COUNCILMAN CURWEN MOVED TO TABLE ITEM 33-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, ADD NEW SECTION 3.16.070 SENIOR CITIZEN'S ADDITIONAL MOTOR VEHICLE TAX EXEMPTION UNTIL A STUDY INTO HOW MANY BRIDGEPORT RESIDENTS WOULD QUALIFY FOR THE PROPOSED TAX EXEMPTION AND THE SIZE OF THE BUDGETARY IMPACT THE PROPOSED ORDINANCE WOULD HAVE WAS COMPLETED.**

**** COUNCILWOMAN LYONS SECONDED.**

**** THE MOTION WAS PASSED UNANIMOUSLY.**

44-06 Proposed amendment to Municipal Code, Amend Chapter 2.102 Planning and Zoning Commission and add new Chapter 2.103 Board of Zoning Appeals.

Councilman Walsh discussed three changes that would be made to the Land Use Boards of the City of Bridgeport. The first change would deal with the alternate members of the Planning and Zoning commission. Currently, the Mayor is allowed to pick alternates without the approval of the council. The change would allow the Mayor to pick alternates for up to 120 days before the alternate would have to seek council approval. This change was suggested due to a series of recent departures from the Planning and Zoning commission.

The second change would deal with the Board of Zoning Appeals. Councilman Walsh then stated section 8-5 of Connecticut General Statutes, which states "In each municipality having a Zoning Commission there shall be a Zoning Board of Appeals consisting of five regular members and three alternate members." And it also states later on "Such a panel of alternates shall, unless otherwise provided by special act, be elected or appointed for such manner and for such terms as is determined for each by ordinance adopted by the municipality." Councilman Walsh then pointed out that Bridgeport was not following these statutes and that the Bridgeport Zoning Board of Appeals was in violation of state law.

The third change was to separate the Wetlands Commission from the Planning and Zoning commission.

**** COUNCILMAN CURWEN MOVED TO TABLE ITEM 44-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, AMEND CHAPTER 2.102 PLANNING AND ZONING COMMISSION AND ADD NEW CHAPTER 2.103 BOARD OF ZONING APPEALS.**

**** COUNCILWOMAN LYONS SECONDED.**

****THE MOTION PASSED UNANIMOUSLY.**

Councilman Walsh mentioned that during a previous discussion about raising the handicapped parking fine there were concerns expressed by others regarding state

limitation on the amount of the fines. City Attorney Anastasi stated that he had not looked into the matter yet. Then Councilman Walsh also brought up 198-05 which deals with the use of take home vehicles, which also needed research.

**** COUNCILMAN CURWEN MOVED TO ADJOURN THE MEETING.**

**** COUNCILWOMAN LYONS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Ian Soltes.

Telesco Secretarial Services.

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
FEBRUARY 27, 2007
6:00 P.M.**

ATTENDANCE: Council Members: McCarthy, Curwen, Lyons, Walsh

OTHERS PRESENT: Council Members: DePara, Mulligan Pivrotto

OTHERS: City Attorney Mark Anastasi, Associate Attorney Melanie Howlett
Tom Sherwood, Director OPM; Ed Winterbottom, Director of Labor
Relations; Pat Fardy, Planning & Zoning Commission; Barbara Freddino,
Planning & Zoning Commission

Co-chair McCarthy called the meeting to order at 6:36 p.m.

Approval of Minutes January 23, 2007

**** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

107-05 Proposed amendment to Municipal Code, Section 10.12.010 Restrictions on
stopping or parking generally Violations Penalties Exemption, amend sub section
B.10.

Attorney Howlett stated this item needed to be referred to the Police Board of Commissioners.

**** COUNCIL MEMBER WALSH MOVED TO REFER THE ITEM TO THE SUBCOMMITTEE
OF THE POLICE BOARD of COMMISSIONERS TO BE RETURNED BACK TO
COMMITTEE**

Attorney Howlett noted that she would notify Council member Walsh when the matter went before
the Police Board of Commissioners subcommittee.

**** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

198-05 Proposed amendment to Municipal Code, Section 2.36.010 Officers' and
unaffiliated employee salaries, amend to add new Section B.

Council member Walsh said this matter came to light during the Special Committee on Reforms,
where they discussed city employees and drug testing and the recommendation to adopt a policy
to carve out a specific group of individuals. He explained that as part of the benefit, they have the
choice to obtain a take home vehicle, but testing is not mandatory, although the take home car is
declared as a taxable benefit by the city. He clarified this matter didn't have anything to do with the

union agreements and it was just a benefit. He further explained the matter could be avoided by having a person sign a waiver for a take home vehicle and agreeing to drug testing.

Attorney Anastasi said he thought he was talking solely about take home vehicles, but he read it to mean that it also pertained to those who have the use of a vehicle during the work day. Council member Walsh said then there should be a minor change made to reflect a "take home vehicle".

Council member Walsh referred to Attorney Anastasi's opinion submitted. He said the matter pertained to city employed self-insured persons, so they had a monetary interest in what employees do with the vehicle after work hours (*he distributed copies of the opinion*). He spoke about an accident that occurred in Bridgeport that involved the mayor's vehicle that ended up costing the city \$12k. Attorney Anastasi recalled that this accident occurred during an icy/snowy night on a hill in a certain district near Broadbridge Avenue. So he thought to suggest that the accident with the mayor's car was the basis of the ordinance, wasn't relevant. Council member Walsh stated there was no police report filed. Attorney Anastasi stated he should have a broad based factual predicate to modify the amendment.

Attorney Anastasi stated that the accident was reported to the public facilities department the next day. And he felt to suggest something else went on otherwise, was disingenuous.

Council member Walsh briefly continued to mention accidents the mayor had been involved in.

Council member Curwen said they should hear the matter at hand and not someone's personal driving record. He asked what the merit was for the item.

Attorney Howlett asked if this involved non-union persons and only those who take a vehicle home under restrictive policy. Council member McCarthy said yes.

Council member Walsh stated they should look at high profile and groups of individuals that it should pertain to and once again, mentioned other accidents the mayor was involved in. He stressed that the city has the responsibility to impose random testing or forbid the use of a vehicle after work hours.

Council member Pivrotto agreed with Council member Walsh. She didn't feel they were asking too much requesting someone to be tested once per year.

Mr. Winterbottom said that contracts say the city could impose drug testing in accordance with the CT state statutes and that it could be done for high risk and safety individuals. But it hasn't been determined that driving a city vehicle was considered high risk. Council member Walsh asked if this approach was for employees. Mr. Winterbottom said yes. He said it was appropriate that any vehicle operated by a city employee would be tested. He explained that if there is a take home vehicle as a taxable benefit to the employee, then they could institute drug testing for three reasons:

- High risk person
- By state law
- Through the EAP program on a voluntary basis to submit to drug testing

Council member Walsh asked if that pertained to union contracts. Mr. Winterbottom said yes. Council member Walsh said then this had nothing to do with unaffiliated employees. He asked if there was anything that would apply by state statute for unaffiliated employees.

Council member Lyons said she agreed there should be drug/alcohol testing based on the fact that a take home vehicle was a privilege. She expressed that if the mayor agreed to random testing, then others working for the city should do the same thing, emphasizing that if there was an accident, the financial burden would be on the city.

Council member Curwen stated that a report on drug/alcohol testing came of the Reforms Committee; the city attorney was present at the meeting and the committee felt compelled to make the recommendation to the mayor and administration. He said he believed that Council member Lyons was correct in stating that the mayor was setting an example to submit to random testing and that it should also pertain to unaffiliated employees.

Council member Curwen asked if Council member Walsh had the language he was proposing. Attorney Anastasi referred to page 2 of the document (*submitted to the city clerk's office*), the last paragraph, noting they could move forward on unaffiliated persons issue and make it negotiable with other bargaining units. Attorney Howlett added that if it was part of the mandate of regulations, then some portion of it needed to go through the union.

Council member Walsh felt it should be done by ordinance or policy that a person should agree to drug testing.

Council member Walsh said he would submit his amendments to Attorney Anastasi by Wednesday.

Mr. Winterbottom explained if they went with the random testing process, there shouldn't be a minimum number of tests set, it should be done by name pool, by social security through a computer, noting that 50% of the pool was generally tested.

**** COUNCIL MEMBER WALSH MOVED TO TABLE FOR THE PURPOSE OF GATHERING
ADDITIONAL INPUT AND ADDRESSING THE MATTER AT THE NEXT MEETING
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

01-06 Proposed New Ordinance Establishing a Tax Exemption for Vehicles Specially Equipped or Modified for Handicapped or Medically Incapacitated Persons.

Council member McCarthy stated he was requesting that this item be tabled.

**** COUNCIL MEMBER LYONS MOVED TO TABLE
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

28-06 Proposed amendment to Municipal Code, Chapter 3.16 Property Taxes, add new

Article IV Tax Abatement Other, new Section 3.16.180 Abatement for surviving spouses of police officers and firefighters.

Attorney Anastasi said he brought the information pertaining to this item. He noted there was a concern that the city wasn't adequately taking care of surviving widows. But under workmen's compensation 31.306, there are significant benefits paid to surviving spouses. In addition to burial expenses, they received 75% of the average weekly compensation on top of the pension benefits (*as read*) and a minimum of 50% of the salary under the pension plan. He said the other point was the massive number of policemen and firemen who operate under a hypertensive condition and pass away 20 years later. The question is if they intend to give the surviving spouse the tax exemption for property taxes. Attorney Howlett said if a person becomes hypertensive, it's presumed the condition was acquired due to the stress of the job.

Council member Walsh read New Haven's ordinance regarding death benefits of a survivor.

Attorney Anastasi said they should limit it to those working during the normal working day and actively on the job. Council member Walsh agreed, noting they should craft language to denote that.

Council member Curwen said he had an issue with the language in regard to a separation from the person whose benefits they might receive. Attorney Anastasi said it would be a matter of the survivor signing something on an annual basis to cover changes in situations and that would be at the committee's discretion. Council member Walsh agreed.

Council member Curwen expressed that although it was a sensitive topic, the language should be defined to avoid possible abuse by those trying to collect benefits that they may not be entitled to. Council member Walsh said it should be done through annual recertification.

Council member McCarthy said there were two types of renewal:

- filing out an application to qualify for benefits
- the committee decides if the survivor should continue or receive benefits

Council member Mulligan shared an example of a widow that is collecting workmen's compensation, doesn't remarry, but cohabitates with someone. He suggested they insert a provision to address that scenario. He further clarified that in CT; the law provides that they don't qualify for benefits if they remarry.

Council member DePara asked if they could instruct the city attorney to craft an alternative to the ordinance that *"the person must have died in the process of working a regular shift"*. He agreed they should incorporate a recertification process.

** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

44-06 Proposed amendment to Municipal Code, Amend Chapter 2.102 Planning and Zoning Commission and add new Chapter 2.103 Board of Zoning Appeals.

A. Alternates discussion

Council Walsh explained that the purpose of amending the ordinance involved waiting for the appointment of alternates. He said it came to light that when they were looking at the P&Z Commission, it was apparent that three commissioners stepped down; Andre Baker (resigned); Dorothy Guman (resigned) and Robert Womic (relocated). So when they had three regular commissioners, they were unable to serve. Then the three alternates became full-time members, but they didn't receive the type of review or scrutiny that full-time members do. So by design and default, the members came before the city council, but there were no background checks performed. He went on to state that's when he came up with the suggestion that an alternate should be appointed by the mayor for a temporary term of 120-days. The alternates must be approved by the City Council subject to the same manner given for a permanent term. If the mayor fails to recommend the appointment to the full council the alternates, or the council fails to approve that person, then the temporary term will expire and the mayor shall appoint a new alternate. He stressed that if this isn't done, there could be a perception that abuse of power has occurred. He noted this process should pertain to: the Planning & Zoning Commission, Zoning Board of Appeals and the Inland Wetlands Agency.

Council member Curwen pointed out that per his conversation with Ms. Fardy, there is a study being conducted regarding this aspect. He referred to the \$1 million that is governing the audit and master plan study. He updated that an opinion was expected to be rendered by April 1, so he questioned whether or not they should wait until then to act on this matter. He further felt if they acted hastily, it could circumvent the process before the auditor's opinion is submitted. He said there was also the question of the financial impact.

Council member DePara stated that although he agreed with Council member Curwen's comments, he didn't think the master plan outcome should affect this matter, noting that they were addressing an organizational issue.

Council member Curwen clarified that the study he referred to was to investigate what Council member Walsh was recommending to see and whether it will be an appropriate measure to take. He thought that if an audit was being conducted for \$1 million, they should at least wait for the results.

Council member Lyons stated that she understood Council member Walsh's comments. She agreed that changes could be made, but her concern was also waiting to hear the outcome of the audit to make their decision.

Council member Walsh asked what the deadline was for the audit. Council member Lyons said it should be done by April. Council member Walsh said he didn't recall approving \$1 million to conduct an audit for land use. He pointed out that matters concerning the P&Z Commission were up to the city council. City Attorney Anastasi clarified that the audit and rewriting the master plan was

expected to be completed in July. Ms. Fardy added that BFJ was in the process of revamping the regulations that are currently on the books.

Council member McCarthy asked what the suggestions were regarding the organizational part of the zoning office. He asked if it would include ZBA and Wetlands matters. Ms. Fardy said there would be professional recommendations regarding operational decisions etc.

There was open discussion regarding due diligence as it pertained to the appointment of commissioners. Council member Walsh recalled there was a member of the Bpt. Housing Authority that didn't fill out any paperwork prior to his appointment.

Council member Fardy felt that 120-days was too short a duration for the alternates.

Council member McCarthy asked if the intention of the 120-days was to allow the process to take place. Council member Walsh said it was a compromise to allow the process to take place and not impede the work of the P&Z Commission, and long enough so as not to subject the process to additional abuse.

Council member DePara said he thought the purpose was to put a time limit to avoid having commissioners languish long after their term expired. And to allow for the ratification of a new member.

Council member McCarthy said he didn't want to hamstring the situation, noting his approval to the first change.

Council member Mulligan stated that if a person was appointed as an alternate and not submitted to the city council and not acted upon within 120-days, then they should be automatically denied. Council member Walsh said he would agree that if the committee didn't act within 120-days, then the matter should go before the full council. *Discussion followed between Council members Mulligan and Walsh regarding the 120-days recommendation.*

Council member Walsh stated that he would compromise at 180-days. Council member Mulligan questioned the impact of 180-days in relation to the council and the paperwork. Council member Walsh said they didn't want the council rule specific to alternates land use board. He agreed to go with the 180-days.

Council member Mulligan stated that if the Ethics Commission didn't receive the paperwork back in a timely manner, then the appointment should be denied. City Attorney Anastasi added that if the Ethics Commission didn't return the paperwork, then the council should deny the appointment. He felt that by allowing six months, it should be adequate time to get the paperwork.

Council member Curwen stated that as far as the time limit recommended, there were already problems finding candidates to serve on the boards. He didn't feel they should scramble the process any more than it is; however, he supported the longer time frame. He pointed out the committee should be more cognizant in selecting candidates.

Council member Baker asked what the requirements were to elect alternates. Ms Fardy replied that when she became an alternate, she filled out the paperwork and she believed there was some type of investigation done. Then when there was an opening for a permanent seat, she was sworn in.

Council member Baker asked if they could use the same paperwork that the temporary alternate fills out to complete a permanent appointment. City Attorney Anastasi explained that there were language issues to clean up for a permanent commission member.

Council member DePara said the matter involved ensuring that they don't have a commissioner still serving when their time has expired and still listed as being active. He expressed that they should be able to find suitable people to serve on the commissions. Ms. Fardy noted that the city website lists an application that can be filled out and submitted by those interested in serving on a board.

Council member McCarthy repeated that he was fine with the 180-days limit.

City Attorney Anastasi said they should conform the method of appointing alternates, to that of appointing permanent individuals. *He read a portion of the ordinance language that should remain and other text that should be cleaned up.*

B. Zoning Board of Appeals discussion

Council member Walsh said that the ZBA wasn't legally constituted in the city by ordinance or charter and the state legislative requires that. He read *Sec. 8-5 concerning the ZBA* and stated it must be by ordinance. City Attorney Anastasi stated there shouldn't be a problem taking alternates de facto; but that he would look into the proper way to handle it. Council member Walsh stated that it was an appropriate time for this matter to go on record as an ordinance. He agreed they needed some housekeeping done on the ordinance, noting in the meantime, the boards could continue with de facto appointees.

Ms. Fardy asked if the 180-days should apply to this matter also. Council member McCarthy agreed that it should and noted the change.

C. Inland Wetlands discussion

Council member Walsh said there was some discussion about this matter. And it was felt it should be separated from the other commissions because of the level of expertise in dealing with the issues that are different than those for the P&Z Commission and to avoid any conflict. He thought the process of the commission meeting to discuss a proposal and then meeting during the P&Z Commission forum the same night, focus on details may be lost and certain things may be overlooked going from one commission to another. Overall, he felt there should be separation of boards to avoid any conflict. He further noted that the P&Z Commission was more specific to developing going forward.

Council member McCarthy asked the number of commissioners that serve on the P& Z Commission. Ms. Fardy said there were nine (9) members. It was the same for the Inland Wetlands Agency, but there was a recommendation to change that number to five (5) members.

Council member DePara said the biggest issue was having two commissions with differing perspectives, i.e., he thought perhaps there should be one commission to address conservation matters and another to address smart growth development, noting he thought there might be times where they conflict. So he thought this was the next logical solution to smart growth in the city.

Council member Pivrotto thought that forming a Conservation Committee as they have in other cities might be a good idea.

Council member Curwen agreed with Council member Pivrotto, but he noted that since they weren't professionals themselves, they should rely on an expert's report when it's submitted. He noted that since this matter wasn't a time sensitive issue, again, once the audit report came out, he would support it, but he still felt they should wait.

Ms. Fardy stated they have been one commission as the P&Z Commission and Inland Wetlands since 1988. She explained that previously there was a separate Wetlands Commission, but they eventually combined. She felt that serving on both boards allowed them additional insight into an application and to look at the environmental issues per Matt Popp who is the Inland Wetlands Agency expert consultant. She explained that it was difficult getting people to serve on the board. Also, she thought there could be a conflict of interest if say an environmentalist or wetlands expert were appointed. She continued to explain there wasn't any apparent conflict between the two boards, because generally an application isn't decided on the same night; the information is absorbed and voted upon the following month. As for creating a budget to form another commission, she thought this would involve more staff work etc., noting that William Minor was currently overwhelmed.

Ms. Freddino agreed with Ms. Fardy's comments, she echoed that they were able to get better insight when they hear the Inland Wetlands perspective to vote upon the P&Z Commission application. She thought that having both meetings on the same night was more productive in terms of staff time, having the associate city attorney present and secretarial service.

Council member McCarthy asked Attorney Anastasi's input. Attorney Anastasi said it was permitted by state, that the value to having qualified individuals on the board, with expert support looking at both parameters of the project was a good thing. He agreed that appointing another board could result in more staff work etc.

Council member DePara asked the specific scope of the procedural aspect of the consultant's work, as it pertained to the master plan. Ms. Fardy said when they hired Mr. Popp, they interviewed four different Wetlands Agencies, but it was decided to rehire Mr. Popp due to his expertise and familiarity with Bridgeport. She noted that he was also an Inland Wetlands commissioner in Greenwich.

Council member DePara asked about the master plan aspect in relation to the \$1 million to revamp and the suggestion to streamline P&Z Commission and ZBA. Ms. Freddino said there was a concern about how information flowed through the zoning office and the purpose was to streamline that process to make it more efficient. Council member DePara said he wasn't sure how changing procedural paperwork pertained to land use boards. Ms. Fardy said the procedural recommendation may trickle down to aid in streamlining the flow of business. Council member DePara questioned if they could approach Mr. Fisch who is developing the master plan to help streamline the process.

Council member Mulligan asked if they checked to find out what Waterbury, New Haven and Hartford were doing. Council member Walsh said he didn't think it was key what other cities were doing. Council member Mulligan said he wondered if there was any consistency between large municipalities keeping the commissions combined and small municipalities. Ms. Freddino said that smaller cities usually have a Conservation Commission.

Council member Lyons commented that she liked the idea about Mr. Popp being able to give input on whether the commissions should be divided since he was an expert. As far as the budget, she thought they could possibly factor in the additional costs for next year.

Council member Pivrotto agreed that if they had an expert give them a recommendation, they may be more comfortable in their decision.

Council member Walsh submitted a letter that was given to Council member Curran regarding the expertise of an Inland Wetlands candidate.

Council member Walsh said if the committee moved forward on discussion A and B and if Attorney Anastasi submitted a legal opinion by the next council meeting, then he would agree to vote on the item tonight. Attorney Anastasi said his legal opinion wouldn't be available for the March 5 city council meeting, but he would have it for the March 19 meeting.

Council member Walsh agreed to delete *Section-C* outlined in the ordinance. Attorney Anastasi stated that he would tweak the language accordingly. Council member Curwen read the changes to be implemented that were discussed tonight (*see below*):

Council member Walsh was adamant that this matter should be addressed in the city council rules. Council member Mulligan felt they should leave it up to the city council doing their due diligence as it pertained to voting on an appointment. Again, he thought that if the administration didn't act in a timely manner, then an appointment should be voted against. Attorney Anastasi felt it was a unique situation, in that the people are already seated to serve on a board, so he thought Council member Mulligan's suggestion was appropriate.

Council member Walsh said he wasn't in favor of Council member Mulligan's suggestions; Council member Curwen was in favor Council member Mulligan's suggestion; Council member Lyons said if it wasn't for the council rules, she would agree with Council member Walsh, but she was in favor

of the coined term "*the Mulligan rule*". The 180-days time limit was agreed upon. It was noted that the proper language would be crafted.

** COUNCIL MEMBER CURWEN MOVED TO APPROVE AS THE AMENDED VERSION AS FOLLOWS:

▪ UNDER 2.102.030 PANEL OF ALTERNATES *-should read as indicated below (the changes are in bold print)*

- A. THERE SHALL BE A PANEL OF ALTERNATES COMPOSED OF THREE MEMBERS APPOINTED BY THE MAYOR FOR A TEMPORARY TERM OF **180 DAYS**. THE ALTERNATES MAY BE APPROVED BY THE CITY COUNCIL IN THE MANNER PRESCRIBED ABOVE FOR A PERMANENT TERM OF THREE YEARS. IF THE MAYOR FAILS TO RECOMMEND TO THE FULL COUNCIL SUCH ALTERNATES OR THE COUNCIL FAILS TO APPROVE SAID ALTERNATES, THE TEMPORARY TERM SHALL EXPIRE AND THE MAYOR SHALL APPOINT NEW ALTERNATES. THE MEMBERS OF SUCH PANEL SHALL HAVE ALL OF THE POWERS AND PERFORM ALL OF THE DUTIES IMPOSED BY LAW ON ALTERNATE MEMBERS OF THE PLANNING and ZONING COMMISSIONS.
- B. IN DECEMBER OF EACH YEAR IN WHICH A PERMANENT TERM EXPIRES THE MAYOR SHALL **APPOINT** AND THE CITY COUNCIL SHALL APPROVE ONE PERSON TO SERVE AS A MEMBER OF THE PANEL OF ALTERNATES FOR A TERM OF THREE YEARS FROM THE FIRST DAY OF JANUARY NEXT SUCCEEDING. SUBSEQUENT APPOINTEES SHALL BE FILLED BY THE MAYOR FOR THE BALANCE OF THE TERM VACATED ONCE APPROVED BY THE COUNCIL.
- C. *THIS SECTION WILL BE DEvised TO INCLUDE THE CORRECT LANGUAGE AND TO INCLUDE THE 180-DAYS*

UNDER 2.103.010 ESTABLISHED paragraph - *delete where reads (Ord. dated 12/21/92)*
Above this title - *should read* – Chapter 2.103 Board of Zoning Appeals – *delete the wording*
ALL NEW

UNDER 2.102.030 PANEL OF ALTERNATES – *language will be amended per the City Attorney to include 180-days*

** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

47-06 Proposed amendment to Municipal Code, Title 3 Revenue and Finance, amend Section 3.50.030 General Policy and Procedure.

Mr. Sherwood updated that this item pertained to an amendment to the ordinance to the Internal Service Fund. It involved a change to the ordinance to move the receipt expending & account of employees. He noted that they listed the group of committee members on the team, but the BOE didn't have it ready so they submitted the amendment and designee to add two numbers as it was outlined in the document.

** COUNCIL MEMBER CURWEN MOVED TO APPROVE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING AT
THE NEXT SCHEDULED CITY COUNCIL MEETING
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

66-06 Proposed amendment to Municipal Code, Chapter 8.68 Littering, amend Section 8.68.060 Merchants duty to keep sidewalks clean.

Council member Pivrotto stated this item was sponsored by Council members: McCarthy, Rodgerson, Walsh and herself. The item involved improving the quality of life by having trash cans in front of merchants businesses that sell fast food etc.

Attorney Howlett said she talked to George Estrada about the matter and he found there were many storefronts not set back far enough in relation to the public right of way, but they need to have unencumbered entrances; but they need to consider ADA access and egress issues. However, if they find that there is no designated right of way, they still have to allow the merchants to place a container there.

Council member Curwen spoke about the big problem with flyers in his district that end up on house properties, driveways etc. He thought the ordinance should encumber this problem also.

Attorney Howlett said it could be crafted that way, but they would have to address the placement of written material on a premise. It would have to include a paragraph that written material would have to be displayed to stop it from flying away.

Council member McCarthy asked if they could force placement of a container if it's not in the public right of way. Attorney Howlett said yes, because materials become airborne and therefore a nuisance.

Council member Pivrotto said she would research an ordinance that pertains to flyers for other cities.

Council member DePara asked what would happen when the right of way goes up to the actual door of the establishment. Attorney Howlett said the merchant would have to get permission to still place the container, they would have to go through Mr. Estrada.

Council member DePara asked if the city would pick up garbage collected in the containers. Council member Pivrotto said no.

Council member DePara made the point that some of the trash might not necessarily be that of the merchant's. Attorney Howlett said it would still be the merchant's responsibility since it's their business.

Council member DePara asked who would inform the businesses that they have to place containers. Attorney Howlett said it would be through an educational forum.

Council member DePara asked the type of container that would be placed. Council member Pivrotto said she thought it would be a 60-gallon container, but she will confer with Mr. Estrada to verify that.

Council member DePara asked if the container would be cost prohibitive. Council member Pivrotto replied it would just be the inexpensive plastic type container.

** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY

ADJOURNED

** COUNCIL MEMBER LYONS MOVED TO ADJOURN
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARING
MARCH 5, 2007**

ATTENDANCE: Thomas McCarthy, Co-chair; Robert Walsh, Johnny Dye,
Robert Curwen, Carlos Silva

OTHERS: None

CALL TO ORDER

Chairman McCarthy called the public hearing to order at 6:15 p.m.

**** COUNCIL MEMBER CURWEN MOVED TO OPEN THE PUBLIC HEARING ON THE PROPOSED AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: PROPOSED AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: AMEND CHAPTER 2.102 PLANNING AND ZONING COMMISSION AND ADD NEW CHAPTER 2.103 BOARD OF ZONING APPEALS. (ITEM # 44-06)**

**** THE MOTION PASSED UNANIMOUSLY.**

Chairman McCarthy asked if there were any members of the public who wished to speak either for or against the issue of the Proposed amendment to Municipal Code of Ordinances: Proposed amendment to Municipal Code of Ordinances: Amend Chapter 2.102 Planning and Zoning Commission and add new Chapter 2.103 Board of Zoning Appeals. (Item # 44-06). He repeated this request three times. There was no one present who wished to speak about the matter.

**** COUNCIL MEMBER SILVA MOVED TO CLOSE THE HEARING.**

**** THE MOTION PASSED UNANIMOUSLY.**

The public hearing on Item #44-06 Proposed amendment to Municipal Code of Ordinances: Amend Chapter 2.102 Planning and Zoning Commission and add new Chapter 2.103 Board of Zoning Appeals was closed at 6:16 p.m.

**** COUNCIL MEMBER CURWEN MOVED TO OPEN THE PUBLIC HEARING ON THE PROPOSED AMENDMENT TO MUNICIPAL CODE OF ORDINANCES: CHAPTER 3.50 ESTABLISHMENT OF SPECIAL FUND FOR EXPENDING EMPLOYEE HEALTH, WORKER'S COMPENSATION, PRESCRIPTION DRUG AND OTHER HEALTH RELATED BENEFITS, AMENDED SECTION 3.50.030 GENERAL POLICY AND PROCEDURES. (ITEM # 47-06).**

Chairman McCarthy asked if there were any members of the public who wished to speak either for or against the issue of the Proposed amendment to Municipal Code of Ordinances: : Chapter 3.50 Establishment of Special Fund for Expending Employee Health, Worker's Compensation, Prescription Drug and other Health Related Benefits, amended Section 3.50.030 General Policy and Procedures. (Item # 47-06).

He repeated this request three times. There was no one present who wished to speak about the matter.

**** COUNCIL MEMBER SILVA MOVED TO CLOSE THE HEARING.
** THE MOTION PASSED UNANIMOUSLY.**

The public hearing on Item # 47-06 Proposed amendment to Municipal Code of Ordinances: : Chapter 3.50 Establishment of Special Fund for Expending Employee Health, Worker's Compensation, Prescription Drug and other Health Related Benefits, amended Section 3.50.030 General Policy and Procedures was closed at 6:17 p.m.

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:17 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
MARCH 27, 2007
6:00 P.M.**

ATTENDANCE: Council Member: Walsh

The meeting was scheduled to begin at 6:00 p.m. When a quorum was not present by 6:25 p.m., the Co-Chairman (Council member Walsh) announced that the meeting would not take place.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

CITY of BRIDGEPORT
JOINT COMMITTEE on MISCELLANEOUS MATTERS and ORDINANCE
APRIL 2, 2007

ATTENDANCE

Ordinance Committee: Council members - McCarthy, Walsh, Holloway, Lyons, Curwen, Silva,

Miscellaneous Committee: Council members – Rodgerson, Paoletto, Walsh

OTHERS PRESENT: Associate City Attorney Howlett

Co-Chair Council member Rodgerson called the meeting to order at 5:52 p.m.

86-06 Proposed Settlement of Federal Law Suite brought by TelComm Technologies

** COUNCIL MEMBER PAOLETTO MOVED TO GO INTO EXECUTIVE SESSION
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

The committee moved into executive session at 5:53 p.m.

The committee came out of executive session at 6:03 p.m.

** COUNCIL MEMBER CURWEN MOVED TO APPROVE THE CITY ATTORNEY'S
RECOMMENDATION AS IT PERTAINED TO ITEM 86-07 PROPOSED SETTLEMENT
OF FEDERAL LAW SUITE BROUGHT BY TELCOMM TECHNOLOGIES
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED WITH SIX VOTES IN FAVOR AND ONE ABSTENTION

* It was noted for the record that Council member Holloway abstained due to a conflict of interest, in that he works for the Public Facilities Department.

ADJOURNED

** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
** COUNCIL McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,
Diane Graham
Telesco Secretarial Services

City of Bridgeport
Joint Committee on Miscellaneous Matters and Ordinance
April 2, 2007
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CITY of BRIDGEPORT
ORDINANCE COMMITTEE
APRIL 24 , 2007
6:00 P.M.

ATTENDANCE: Council members: McCarthy, Walsh, Silva, *Ayala
** denotes – sat in to make a quorum*

ABSENT: Council members: Holloway, Lyons, Curwen, Dye

OTHERS PRESENT: Council members: Pivrotto, Mulligan, DePara, Curran

OTHERS: City Attorney Mark Anastasi, Associate Attorney Melanie Howlett

Co-chair McCarthy called the meeting to order at 6:37 p.m.

Approval of Minutes February 27, 2007

**** COUNCIL MEMBER AYALA MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY**

01-06 Proposed amendment to Municipal Code, New Ordinance Establishing a Tax Exemption for Vehicles Specially Equipped or Modified for Handicapped or Medically Incapacitated Persons.

Council member McCarthy said this item had been discussed before to give a tax break for vans with lifts and mechanics. He recalled they discussed it twice in the past and they now had a legal opinion to outline the extent of the ordinance. He relayed that it was written to be limited to vehicles that are handicap accessible. He further relayed that there was a fundraising effort to get a special van for a constituent, because she can't pay the taxes on the vehicle. He requested that a decision be made on the matter tonight.

The constituent Council member McCarthy referred to introduced herself as Ms. Richardson who was speaking on behalf of her son Aaron. She expressed that she has worked hard in the city for a long time being involved in voting registration etc. She explained that how she was surprised when her son got sick, forcing her to be stuck in the system and struggling, noting that she currently has a first floor apartment. She said she couldn't make the last meeting because a therapist broke her son's arm and he is suffering from encephalitis. She stressed that she was at a dead end trying to fight for her son. She further expressed the numerous obstacles she faces trying to get her son to doctors' offices. Again, she has been fighting for four years to get this exemption.

Council member McCarthy said there was a van waiting in the Public Facilities garage, due to the fundraiser. He expressed that this was a worthy cause that could help someone, but he wanted to

be careful that they weren't doing this for one person only. Attorney Howlett said the way the ordinance was written, didn't imply that they were approving it for one person. She said it's broad enough to apply to everyone that might be in the same situation.

Council member Silva asked if this would affect the AMR. Attorney Howlett said the vehicle would have to be registered in the name of the guardian of the person with the disability.

Attorney Anastasi said they will always have the option to amend the ordinance if they found the problem became too burdensome.

Council member Walsh referred to paragraph-2 of the ordinance and he questioned the language in paragraph-3. Attorney Howlett thought paragraph-3 should be deleted. She pointed out the person would have to have a handicap parking permit.

Council member DePara asked where other people would go to apply for the exemption if the ordinance passed. Attorney Howlett said they would see the Tax Assessor.

Council member DePara asked if the exemption applied to a new vehicle or any vehicle. Council member McCarthy said it applied to any vehicle that has been modified for disability purposes.

Council member Walsh commented that the felt passing the ordinance was the least they could do for people that need it.

** COUNCIL MEMBER SILVA MOVED TO AMEND THE ITEM REFLECTING THE LANGUAGE STRICKEN

** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER SILVA MOVED TO APPROVE THE ITEM AS AMENDED WITH A PUBLIC HEARING SCHEDULED BEFORE THE NEXT CITY COUNCIL MEETING

** COUNCIL MEMBER AYALA SECONDED
** MOTION PASSED UNANIMOUSLY

*Consent calendar

**The amended ordinance was submitted to the city clerk's office.*

Ms. Richardson expressed her thanks to the committee.

28-06 Proposed amendment to Municipal Code, Chapter 3.16 Property Taxes, add new Article IV Tax Abatement Other, new Section 3.16.180 Abatement for surviving spouses of police officers and firefighters.

Attorney Anastasi updated about the language that was amended pertaining to heart and hypertension issues. He suggested they vote on the item tonight and amending it on the city council floor.

Council member Ayala asked the purpose for the amendment. Council member Walsh stated that they found it would be a nice gesture that would be extended to uniformed officers surviving spouses. Council member Ayala asked if it would only apply to spouses. Council member Walsh said yes, surviving spouses only.

Attorney Anastasi said the matter should be voted upon for approval each year as part of the Tax Assessor's report. Council member Walsh disagreed that policy should be required.

Attorney Anastasi stated the potential problem of an over saturation of claims for heart/hypertension conditions. He commented that he didn't agree with the amendment, noting surviving spouses already received numerous other benefits, such as pension etc.

Council member Pivrotto stressed her shock at what she thought was a mean spirited attitude towards the matter. She emphasized that they had no idea of the stress related duties officers encounter that result in hypertension.

Council member DePara stated the ordinance was a good thing, especially since they are first responders who put their lives on the line daily and do a job that most wouldn't do. However, he didn't think that having them renew annually was a bad thing, noting that they require seniors to follow guidelines to renew their circuit breaker. In any event, he said the loss of tax revenue was nowhere near what the city should be giving back.

There was some further open discussion regarding the types of illnesses that should qualify for surviving spouses to receive an exemption.

Attorney Anastasi felt the language should apply to a violent death situation. Council member Curran agreed. She noted that she was leery of there being too many claims for heart attack/hypertension conditions.

Council member McCarthy commented that requiring a renewal of tax abatement would provide a safety valve. He asked if the city council could reserve their right to review the matter. Attorney Anastasi recited some suggested language that could apply.

Council member Curran asked what would happen if a person remarried. Council member Walsh said if they remarry, they lose the benefit.

Attorney Anastasi stated he would draft the final language and e-mail it to everyone in advance for their review. Then they can decide whether to vote it up or down. Council member McCarthy commented that he agreed with the submittal of the final language, but he mentioned the issue of the matter being delayed for too long now. Attorney Anastasi said he could have the language to the committee and sponsors of the resolution within two weeks.

** COUNCIL MEMBER AYALA MOVED TO TABLE
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

66-06 Proposed amendment to Municipal Code, Chapter 8.68 Littering, amend Section 8.68.060 Merchants duty to keep sidewalks clean.

Attorney Howlett said that trash cans have to be placed to conform to ADA policy which is at 36". She said she suggested that the language be changed to read that placement of a trash can must conform to a 36" pathway that is necessary for ADA compliance. – *the amended copy was submitted to the city clerk's office.*

It was determined that the final amendment **should read 'The placement of the trash can must conform to requirements set forth in the ADA regulations regarding clear pathways'.**

Council member Ayala asked if the city would be required to supply the trash can. Council member Pivrotto said that would be the business owner's responsibility. Council member Pivrotto noted that most businesses already complied and they have trash cans that match their store's façade. She further commented that the idea was to keep the area neat and tidy and she thought that could be accomplished by placing a trash can in front of the business.

Council member McCarthy noted that Dr. Evans e-mailed him asking about vendors. Council member Pivrotto said she mentioned something to her also about including a trash can for street vendors, such as the hot dog stand in front of the court house. However, she thought that was a separate matter that fell in to another category.

Council member DePara asked how they would notify all the businesses to be affected. He suggested using Environmental Health inspectors when they go out to do inspections, they can notify business owners of the effective date. Attorney Howlett agreed there should be some period of educating the public, she suggested language be included to denote a 60-day effective date.

Council member DePara asked who would be doing the enforcement. Attorney Howlett said that would fall under the Environmental Health Department.

Council member Pivrotto referred to a paragraph outlined in the ordinance with reference that it's a merchant's duty to keep the sidewalks clean; she questioned who was doing that now. Attorney Howlett said no one was.

Council member Mulligan said it would be the owner's responsibility to have the trash hauled away; it wouldn't be the city's responsibility.

** COUNCIL MEMBER WALSH MOVED TO AMEND THE LANGUAGE
** COUNCIL MEMBER AYALA SECONDED
** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER WALSH MOVED TO APPROVE THE ORDINANCE AS AMENDED
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

*Consent calendar

**The amended language was submitted to the city clerk's office.*

70-06 Proposed amendment to Municipal Code, Chapter 8.90 Regulation of the Marketing of Tobacco Products to Children, amend Section 8.90.020 Purpose of chapter.

Council member McCarthy stated that Council member Paoletto requested that this item be tabled.

** **COUNCIL MEMBER SILVA MOVED TO TABLE**
** **COUNCIL MEMBER AYALA SECONDED**
** **MOTION PASSED UNANIMOUSLY**

72-06 Proposal to request reports from Police and Zoning Departments concerning illegal placement of signage.

Council member McCarthy stated that Council member Paoletto requested that this item be tabled.

** **COUNCIL MEMBER SILVA MOVED TO TABLE**
** **COUNCIL MEMBER AYALA SECONDED**
** **MOTION PASSED UNANIMOUSLY**

76-06 Proposed resolution establishing an ordinance to create a Citizen Based Financial Review and Audit Commission.

*Attorney Anastasi submitted a legal opinion. **(Note: not received by the City Clerk's Office)**

Council member Walsh stated this was similar to the ordinance adopted in New Haven to establish an experience board to assist the city managing its financial matters. It will consist of a nine member board that should have training and expertise in the financial field. He stated that he would like to see the city reach out to residents in the city to assist the council in making these decisions. He further noted that there are all aspects of the budget that need to be reviewed, so a separate board would help establish guidelines to accomplish that. He relayed that he wasn't sure that the person(s) that oversee it now had a real grasp of what's out there, outside of municipal government (*he read the language of a draft ordinance he proposed*).

Attorney Anastasi said the boards and committees of cities are created by state statute and there is no enabling legislation for what was being proposed. He felt undertaking this would be taking away functions from the Finance Department and OPM. He further stressed that a bunch of laypeople might create a shadow operation of what the council is empowered to do. He reiterated there is no enabling legislation to do this unless the charter was amended.

Council member Curran stated what she witnessed in terms of how each department reports their expenses that she didn't find to be as concise as it could be. She mentioned that the council was a separate entity, noting that all the departments currently report to the Mayor. She noted that she wanted an independent financial advisor.

Council member Walsh clarified that this was not to be an advisory board and that it wouldn't usurp the authority of the council; it's not meant to be to the exclusion of the Finance Department or OPM.

Council member Pivrotto questioned what it could hurt to form the advisory board. She recalled that she met many successful people that work in the financial field that have strong ideas. Overall, she thought two heads were better than one. She further stressed there are things going on beyond the City of Bridgeport and she thought that perhaps an advisory board just might work.

Council member Mulligan felt the process was more streamlined working with OPM and would avoid creating another commission. He suggested that perhaps they could make better use of a consultant to the budget setting process to oversee Tom Sherwood.

Council member DePara stated that there were a lot of things within the budget process that the average person doesn't understand. He thought an advisory board would be a good thing to give more credibility that will allow them to be accountability to their constituents in terms of the budget.

Council member Ayala stated that he appreciated all the discussion regarding the topic of an independent advisor and advisory board, but he had a concern about the creation of a citizens review panel. In that although he valued citizens input, he was concerned that their input would be marginalized and that their recommendations wouldn't really be heeded. He questioned if they were truly trying to empower people to have some relevance in making recommendations or if their suggestions may turn out to be ignored.

Council member Pivrotto suggested that they put a time period on the citizens advisory board to review it to see if it's working.

Council member McCarthy said if the board was advisory in nature, he would support it.

Council member Walsh denoted the language/wording to be stricken per his resolution.

**** COUNCIL MEMBER WALSH MOVED TO AMEND THE RESOLUTION AND DELETE
THREE TERMS AS READ (*submitted to the city clerk's office*)
** COUNCIL MEMBER SILVA SECONDED**

After further discussion, it was decided to table the item for the purpose of redrafting.

**** COUNCIL MEMBER WALSH MOVED TO TABLE
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY**

85-06 Proposed amendment to Municipal Code, Chapter 8.80 Noise Control Regulations, amend Section 8.80.040 D Noise levels add new subsection 9.

Attorney Howlett said this item concerned a project to reduce mercury emissions from the air, according to specific levels that should be set. She updated that it was Council member Mojica's project and she agreed it was a public worthy issue. She said she drafted the language for the

ordinance. She noted that Attorney Regan was present to address the matter. She went on to say they can only do waivers on a day to day basis, so she recommended a permanent variance for the existence of the project. She further explained they could go to the health director for a variance, but they needed to amend it first to state that his project is exempt.

The following persons were identified as being present to address this item:

Attorney Tom Regan, Representative for PSEG Power LLC
Robert Parnell, Director Power Generation
Kevin Reimer, Director Construction
Gregory Nolan, Engineering Manager
Douglas Bell, CTA Inc.

Attorney Regan stated that the CT General Assembly passed legislature that requires plants to take 90% of emissions of mercury out of the air by July 2008 and they have permission to do that, but they must comply with the state and city regulations. He further stated that the city doesn't have a grandfathered provision to accomplish that, so they were asking for a variance as it complies to the Bridgeport Harbor Station. They will comply with the 10-DBA level and that will put them in compliance with the state regulations.

Council member Ayala asked if the city would be protected during the hours of operation. Attorney Regan said yes, noting there were different decibel levels for day and evening, but they will comply.

Council member Ayala asked if there was any regulation to stipulate when they can start earlier or later. Attorney Howlett said no.

Council member McCarthy asked for an example of a DBA *level*. The response was that a 45-DBA reading would be equal to a noise level when **not talking**. And a 65-DBA reading would be equal to a noise level when **talking**.

Attorney Regan said the project engineer made sure they would be within the 10-DBA level. And they did as much as they could do to make the project quieter to get down to a minimum level.

Council member Pivrotto asked if it would be louder on the water. The response was no, because it will be more propagated towards the land. The existing building is between the land and water, so there is a natural buffer.

Attorney Howlett said the representatives met with Council member Mojica, because she wanted to know if he had any concerns, but he thought the project was a good idea since it will reduce emissions by at least 80%.

Council member Walsh commented that he didn't understand the language regarding DBA, (*he referred to page 6 of the document distributed*) and asked for clarification. Attorney Howlett responded that the language read like the state regulation. Attorney Regan referred to the appendix attached that was the existing state regulation, per the Environmental Protection Agency.

Attorney Howlett submitted her draft language for review. Council member Walsh looked over the language and stated that it closely mirrored the state regulation. Attorney Howlett said that within the regulations, there is a 10-DBA grandfathering that is allowed. She repeated that she referred to the state regulations and statutes. She said that if the committee chose not to reference her draft as written, it could be modified.

Council member Walsh asked if there were other ordinances on file that pertained to this matter. Attorney Howlett said they had a 345KB project that included the substation.

Council member McCarthy said then they were given the 10-DBA leeway that the state currently allows. Attorney Howlett said that was correct. She pointed out it could be changed if they found that it doesn't work out.

Attorney Anastasi asked if they expected any neighborhood opposition with the project. Attorney Howlett said that Council member Mojica polled the neighborhood and he didn't hear of any issues.

Council member Walsh asked if they ran the project by the Office of Planning & Economic Development (OPED). Attorney Howlett said yes and they are in support of the project.

Council member Walsh who would be responsible for monitoring the project. Attorney Howlett said that the Department of Environmental Protection (DEP) would monitor it regularly, at least twice per year to measure the noise levels. Attorney Anastasi said that in addition, if there are any complaints, an inspector will come out to assess the situation and determine if the level has deviated from what it should be.

It was commented that they would be demonstrating that they met the compliance standards per reports that will be conducted. The project will also go through the city council for approval.

** COUNCIL MEMBER SILVA MOVED TO APPROVE WITH A PUBLIC HEARING
SCHEDULED BEFORE THE NEXT CITY COUNCIL MEETING
** COUNCIL MEMBER AYALA SECONDED
** MOTION PASSED WITH TWO VOTES IN FAVOR AND ONE VOTE IN OPPOSITION
(COUNCIL MEMBER WALSH)

98-06 Proposed amendment to Municipal Code, Chapter 8.76 Anti Blight Program, add new Section 8.76.051 Special Assessment.

** COUNCIL MEMBER SILVA MOVED TO TABLE
** COUNCIL MEMBER AYALA SECONDED
** MOTION PASSED UNANIMOUSLY

89-06 Proposed amendment to Municipal Code, add new Chapter 2.121 Mayor's C Commission on the Arts

Council member McCarthy stated that Council member Rodgerson couldn't attend the meeting, so he requested the item be tabled.

** COUNCIL MEMBER SILVA MOVED TO TABLE
** COUNCIL MEMBER AYALA SECONDED
** MOTION PASSED UNANIMOUSLY

129-06 Proposed amendment to Municipal Code, Chapter 2.102 Planning and Zoning Commission, amend to add new Section 1.102.060 Land Use Application & Review Fees.

Attorney Anastasi updated that the city's website was down today so this addendum didn't make it to his office in time. He suggested that the committee not act on it tonight. Council member Walsh asked to discuss the item anyway.

It was stated that a legal opinion was not available.

Mr. Nidoh, OPED distributed copies of the fees list.

Council member McCarthy said the matter was originally referred to the Budget Committee, but it was referred back to the Ordinance Committee for review and approval.

Mr. Nidoh explained the city never established an ordinance pertaining to this matter, but they have been collecting fees that isn't necessarily in violation, but not exactly in compliance either. So they took the existing fee schedule and added to the ordinance that will apply to the MUW (Mixed Use Waterfront) and PPD, but there is not fee structure.

Council member McCarthy referred to the last two pages of the fee structure. He asked what they were changing. Mr. Nidoh said they were changing the current land use fees and they also added site plan review. He pointed out the sections where there will be all new zone changes and zone amendments. He further noted everyone will be charged a \$10.00 technology fee (GIS). Mr. Nidoh further clarified how the fees would apply based on commercial and residential uses.

Council member DePara questioned if someone was building 50-units, would they pay \$100 per unit. Mr. Nidoh said yes, if the building was on the water.

There was some open discussion regarding the fees incurred depending on the type of development.

Council member Pivrotto asked if it would be the same as they apply the cost of construction for schools. Mr. Nidoh said the funds would allow them to have a developer pay the cost of the review, such as for the Steel Point project, they are required to fund the review, inspection etc. that is part of the development fees under the LDA-Land Disposition Agreement; he referred to and read section-D.

Council member Mulligan asked if the fees were subject to review by the committee that reviewed the fees structure. Mr. Nidoh said no, they will acknowledge the newer bigger projects like Steel Point that will follow the new fee structure.

Council member Curran asked if the LDA will have its own fee schedule built into the agreement. Mr. Nidoh said that was correct. He explained that was negotiated as part of the package and if it's a phased project, the fee will be paid in phases.

Council member Curran stated that she thought the fee was very minimal considering was involved for IT standards. Mr. Nidoh said they were trying out the \$10.00 fee now to see how it worked, and if it doesn't, it may be amended.

Council member McCarthy questioned the \$10.00 fee. He asked if there were multiple projects, are they charged each time. Mr. Nidoh said yes, noting it wasn't unusual for a developer to have multiple parts to a project. But they also looked at the average person coming in who might have varied parts to a project.

Council member Walsh stated he had a problem with a paragraph that referenced the schools and the exception of educational projects. He pointed out the issue with the LDA, for example, a \$1.5 billion project and the matter of negotiating a particular fee structure. Mr. Nidoh said that he was 98% certain the LDA agreement would be higher than the fee schedule in this type of case. Council member Walsh said he would amend the language then. Mr. Nidoh noted the land use fees weren't reimbursable.

Council member Mulligan said that before they strike the language that referenced the educational component, they needed to find out how much funds were in question and where it would be replaced from.

Council member McCarthy asked the committee if they were comfortable striking the educational reference. Mr. Nidoh said he preferred it wasn't stricken, but they could modify the language.

Council member Mulligan said if Tom Sherwood indicated by striking the language it would cost the city say \$155k, this would leave open the question of where the money will come from. Attorney Anastasi said it's not a revenue generator; it will be a cost coverage. Mr. Nidoh said generally for schools, he estimated they would be charged approximately \$3,000 for land use fees.

Council member McCarthy asked if there was anyway a land use fee could boast up to say \$100k. Mr. Nidoh referred to the fees list. He said that overall, he felt they were talking small dollars. Council member McCarthy stressed that they should get clarification on any potential liability and impact to the city. Mr. Nidoh noted that he would talk to Mr. Sherwood and submit something in writing.

Council member McCarthy clarified that they were removing the word "exception", so that schools are excepted.

** COUNCIL MEMBER AYALA MOVED TO AMEND THE LANGUAGE PERTAINING TO
THE EDUCATIONAL EXCEPTION
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY

Council member Walsh referred to and read the fees negotiated language.

** COUNCIL MEMBER WALSH MOVED TO AMEND THE LANGUAGE PERTAINING TO THE FEES NEGOTIATED

** COUNCIL MEMBER SILVA SECONDED

** MOTION PASSED UNANIMOUSLY

Final vote

** COUNCIL MEMBER AYALA MOVED TO APPROVE THE ORDINANCE AS AMENDED WITH A PUBLIC HEARING SCHEDULED BEFORE THE NEXT CITY COUNCIL MEETING

** COUNCIL MEMBER SILVA SECONDED

** MOTION PASSED UNANIMOUSLY

*Consent calendar

**The amended ordinance was submitted to the city clerk's office.*

Other business:

Council member Walsh requested that **item 198-05 Officers & Unaffiliated Salaries for take home vehicles** be added to the agenda for the purpose of requesting a written response to the matter from the city attorney.

** COUNCIL MEMBER WALSH MOVED TO ADD ITEM 198-05 TO THE AGENDA PENDING A WRITTEN RESPONSE FROM THE CITY ATTORNEY'S OFFICE

** COUNCIL MEMBER SILVA SECONDED

** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER SILVA MOVED TO TABLE

** COUNCIL MEMBER WALSH SECONDED

** MOTION PASSED UNANIMOUSLY

ADJOURNED

** COUNCIL MEMBER AYALA MOVED TO ADJOURN

** COUNCIL MEMBER SILVA SECONDED

** MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

City of Bridgeport
Ordinance Committee
April 24, 2007
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**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SPECIAL MEETING
MAY 24, 2007**

ATTENDANCE: Thomas McCarthy, Chairman; Robert Walsh, James Holloway, Carlos Silva, Andres Ayala, Council President (6:55 p.m.)

OTHERS: Maria Valle, Council Member; Leticia Colon, Council Member; Warren Blunt, Council Member; Andre Baker, Council Member; Donna Curran, Council Member; Elaine Pivrotto, Council Member; Thomas Mulligan, Council Member; Angel dePara, Council Member; Keith Rodgerson, Council Member; Larry Osborn, Labor Relations Acting Director; Atty. Mark Anastasi, City Attorney (6:45 p.m.); Atty. Eroll V. Skyers, Barrister Law Group

CALL TO ORDER

Chairman McCarthy called the meeting to order at 6:07 p.m.

APPROVAL OF MINUTES APRIL 24, 2007.
APPROVAL OF MINUTES MAY 7, 2007 PUBLIC HEARING

**** COUNCIL MEMBER SILVA MOVED TO APPROVE THE MINUTES OF APRIL 24, 2007 AND THE MINUTES OF THE MAY 7, 2007 PUBLIC HEARING AS SUBMITTED.**

**** COUNCIL MEMBER WALSH SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Chairman McCarthy informed the Committee that Attorney Anastasi was enroute to the meeting and because of this, he would suggest that Agenda Items 198-05 and 256-06 be moved further down the agenda to allow Attorney Anastasi time to arrive. Council Member Holloway objected, saying that Attorney Anastasi did not work for the Council and therefore his opinions were not needed. Chairman McCarthy replied that he would prefer to wait to hear what Attorney Anastasi had to say. Council Member Holloway repeated his objection and said that he would not allow Attorney Anastasi to tell the Committee what to do. Chairman McCarthy pointed out that he would still like to hear Attorney Anastasi's view point. Council Member Holloway then called for a recess.

RECESS

**** COUNCIL MEMBER HOLLOWAY MOVED TO DECLARE A RECESS.**

**** COUNCIL MEMBER SILVA SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

The Committee entered into recess at 6:15 p.m. and reconvened into session at 6:48 p.m.

256-05 Proposed amendment to the language regarding minority contractors. Add the word mandatory in awarding minority business 25% of the value work.

Council Member Holloway introduced Attorney Skyers of the Barrister Law Group.

Council Member Valle distributed copies of Chapter 3.12.130 Small business enterprise program to the Committee members.

Atty. Skyers then addressed the Committee and explained that he had been requested to review Chapter 3.12.130 and draft some amended language for areas where he felt the language was unclear. Atty. Skyers said that his goal was to provide language for the minority contractors to “buy in” to the various City contracts and also to provide language that holds the City accountable to attainable goals.

Council President Ayala joined the meeting at 6:55 p.m.

Council Member Holloway asked what the affect the City’s 2005 Diversity Study had on the amended language. Atty. Skyers explained that the diversity study had a very narrow view that was focused only on construction contracts. He also indicated that there was a new additional section at the end of the document which focused on the City performing due diligence. He said that this might be the best means for implementing the proposal.

Council Member Walsh said that he would like to see language included that would required the various businesses to have registered with the Secretary of State by January 1, 2007 and also would like to see a requirement that the LLCs provide full disclosure of their membership. Atty. Skyers directed the Committee’s attention to Item #22 under Definitions and reviewed the details of that statement with the Committee. Council Member Mulligan commented that many businesses form LLCs for each individual project.

Chairman McCarthy asked Atty. Skyers if he would review the amended sections in order so that the Committee could comment or discuss each point as needed. Atty. Skyers agreed and directed the Committee to Section C – Establishment of Race and Gender-Conscious Remedies. Atty. Skyers reported that Associate City Attorney Pacacha had indicated that he had difficulties with the mandatory language included in this section. Atty. Skyers then stated that it might be possible to omit the “shall” from Section C and other sections where this mandatory language occurs if the administration performed due diligence. He then reminded everyone again that the disparity study was focused only on

the construction contracts and that there were specific goals for each of the contracting categories, as outlined in Section C, # 2 Items a-d.

Atty. Skyers then explained that the section following Section C, # 2 Items a-d had a typographical effort and should have been numbered #3. He then stated that other than the addition of Section G at the end of the document, no other language had been changed.

City Attorney Anastasi explained that Associate City Attorney Pacacha could not be present at the meeting but had drafted his comments into a letter. City Attorney Anastasi then pointed out that the City had conducted a study and was now bound by the findings of that study. He also pointed out with all due respect that Atty. Skyers was present as a representative of a special interest group and Atty. Skyers had stated earlier that the mandatory language could be eliminated in favor of due diligence on the part of the City. City Attorney Anastasi directed the Committee's attention to page two of Associate City Attorney Pacacha's comments where Associate City Attorney Pacacha states his opinion on any attempt to make a goal a mandate. Mandatory language often results in lawsuits and City Attorney Anastasi said that he felt that a case might not be supportable in court. City Attorney Anastasi said that he believed that both the City and the Council have a common goal of putting teeth into the ordinance, but expressed concerns that mandates could be interpreted as set asides. He also reiterated that Atty. Skyers had acknowledged that there could be a means of arriving at this goal via due diligence. City Attorney Anastasi then suggested that Atty. Skyers work with the City Attorney's office to arrive at suitable language, which could shorten the process.

Council Member Holloway commented that if the Administration had been doing due diligence the problem would not have existed. He then stated that the Administration has been abusing its power and not doing due diligence.

Atty. Skyers said that while mandatory language often does raise a red flag, he believes that a case could be supported in court. In order to remedy the situation, Atty. Skyers said that this would require participation and agreed with City Attorney Anastasi about working together towards a quick resolution of the language. City Attorney Anastasi commented that he was perfectly happy with the word "goal" which does not carry the red flag of mandatory language.

Council Member Valle asked City Attorney Anastasi about the statue of Program Administrator. City Attorney Anastasi said that due to recent changes in the staff at City Hall, he did not know what the current status of the Program Administrator position was.

Atty. Skyers then commented that the stated goal has to be achievable. He also pointed out that while there are no studies on MBEs and WBEs, the City does have a history. He said that voluntary compliance will avoid liability but it would be important to stand up

for scrutiny. Council Member Walsh commented that he did not believe that any administration will take this proposal seriously. Attorney Skyers pointed out that mandatory language could be used in terms of an administrator. City Attorney Anastasi concurred. Council President Ayala commented that the position of Program Administrator is key and said that this position would be the one that would move the City forward.

City Attorney Anastasi repeated his suggestion that Atty. Skyers work with the City Attorney's office to finalize the language. Council Member Holloway said that he had been working on this issue for thirteen years.

Council Member Curran asked if performance standards would be used in this proposal. Council Member Pivrotto said that Ms. Caviness would be an excellent resource for this. Council Member Valle said that the City needed to have a Program Administrator to move forward.

**** COUNCIL MEMBER HOLLOWAY MOVED TO DECLARE A RECESS.
** COUNCIL MEMBER WALSH SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The Committee recessed at 8:06 p.m. and resumed the meeting at 8:09 p.m.

**** COUNCIL PRESIDENT MOVED TO APPROVE THE ORDINANCE WITH
THE CAVEAT THAT A MEETING WITH THE BLACK AND HISPANIC
CAUCUS AND BOTH ATTORNEYS BE HELD TO DISCUSS THE LANGUAGE.
** COUNCIL MEMBER SILVA SECONDED.**

Council Member Walsh objected and reminded everyone that there had been discussion earlier about including the dates of when an MBE was established and registered with the Secretary of the State.

**** COUNCIL PRESIDENT AYALA RETRACTED HIS MOTION.
** COUNCIL MEMBER SILVA SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL PRESIDENT AYALA MOVED TO AMEND SECTION G TO
INCLUDE LANGUAGE TO BE DETERMINED REGARDING THE
ESTABLISHMENT OF MBES AND REGISTRATION WITH THE SECRETARY
OF THE STATE AS OF JANUARY 1, 2007.
** THE MOTION FAILED DUE TO LACK OF A SECOND.**

**** COUNCIL PRESIDENT AYALA MOVED TO HAVE THE CITY
ATTORNEYS WORK WITH ATTORNEY SKYERS ON THE PROPOSED**

DOCUMENT TO ADD LANGUAGE TO BE PRESENTED AT THE NEXT MEETING WHICH WILL INCLUDE WBES AND MBE'S BEING REGISTERED WITH THE SECRETARY OF THE STATE BY JANUARY 1, 2007 OR FOR THE PERIOD OF ONE YEAR.

**** COUNCIL MEMBER HOLLOWAY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

There was a brief discussion regarding the dates for setting up a meeting.

**** COUNCIL MEMBER WALSH MOVED TO REQUIRE THE FULL DISCLOSURE OF MEMBERS OF LLC'S.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER SILVA MOVED TO TABLE THIS ISSUE UNTIL A SPECIAL MEETING TO BE HELD THE WEEK OF JUNE 11, 2007.**

**** COUNCIL MEMBER HOLLOWAY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Holloway left the meeting at 8:25 p.m.

89-06 Proposed amendment to Municipal Code, Chapter add new Chapter 2.121 Mayor's Commission on the arts.

Council Member Rodgeron came forward and reviewed the proposal with the Committee. Atty. Anastasi said that he objected to having a Council Member as a member of the Commission and suggested that the position should be changed to liaison. He the pointed out that the Council can send communications to the art community and vice a versa. Having a liaison with the Council will help both parties.

**** COUNCIL PRESIDENT AYALA MOVED TO AMEND 89-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER ADD NEW CHAPTER 2.121 MAYOR'S COMMISSION ON THE ARTS ACCORDING TO THE CITY ATTORNEY'S RECOMMENDATIONS.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL PRESIDENT AYALA MOVED TO APPROVE 89-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER ADD NEW CHAPTER 2.121 MAYOR'S COMMISSION ON THE ARTS AS AMENDED AND TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

76-06 Proposed resolution establishing an ordinance to create a Citizen Based Financial Review and Audit Commission.

Attorney Anastasi distributed copies of his legal opinion to members of the Committee.

Attorney Anastasi reviewed his legal opinion as stated in a letter to the Ordinance Committee dated May 24, 2007 with the Committee.

**** COUNCIL PRESIDENT AYALA MOVED TO AMEND ITEM 76-06 PROPOSED RESOLUTION ESTABLISHING AN ORDINANCE TO CREATE A CITIZEN BASED FINANCIAL REVIEW AND AUDIT COMMISSION IN ORDER TO INCORPORATE THE CITY ATTORNEY'S LEGAL OPINION.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL PRESIDENT AYALA MOVED TO APPROVE AMEND ITEM 76-06 PROPOSED RESOLUTION ESTABLISHING AN ORDINANCE TO CREATE A CITIZEN BASED FINANCIAL REVIEW AS AMENDED AND TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

198-05 Proposed amendment to the Municipal Code, amended Section 2.36.010 Officers' and unaffiliated employee salaries, amend to add new subsection B.

Chairman McCarthy stated that Mr. Osborn had been present at the meeting prior to the first recess but had left when he was told by Chairman McCarthy that Council Member Holloway had left the meeting and a quorum was no longer present.

Chairman McCarthy then stated he would be abstaining from the vote, but stated that he would have to remain in the room in order to ensure a quorum.

Council Member Walsh stated that Mr. Osborn had come to the meeting with a copy of the Mayor's policy on take home vehicles, which Council Member Walsh felt was unacceptable. Council Member Walsh then stated that the Mayor's policy could be changed overnight if the Mayor wishes to do so. He then said that there needs to be an ordinance regarding the take home vehicles.

Atty. Anastasi informed the Council that 95% of the vehicles are driven by union affiliated employees. He also reminded everyone that the City had previously lost a suit regarding this issue. Council Member Walsh said that he had previously asked for

changes on this document. Atty. Anastasi then apologized and explained that he had amended the wrong document.

A brief discussion regarding how random drug tests for CDL holders are determined then followed.

**** COUNCIL MEMBER WALSH MOVED TO AMEND ITEM 198-05 PROPOSED AMENDMENT TO THE MUNICIPAL CODE, AMENDED SECTION 2.36.010 OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES, AMEND TO ADD NEW SUBSECTION B BY STRIKING NUMBER FIVE FROM THE ORDINANCE AND RENUMBERING THE DOCUMENT ACCORDINGLY. ** COUNCIL PRESIDENT AYALA SECONDED. ** THE MOTION PASSED WITH THREE IN FAVOR AND ONE ABSTENTION (MCCARTHY).**

**** COUNCIL MEMBER WALSH MOVED TO AMEND ITEM 198-05 PROPOSED AMENDMENT TO THE MUNICIPAL CODE, AMENDED SECTION 2.36.010 OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES, AMEND TO ADD NEW SUBSECTION B AS AMENDED AND TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING. ** COUNCIL PRESIDENT AYALA SECONDED. ** THE MOTION PASSED WITH THREE IN FAVOR AND ONE ABSTENTION (MCCARTHY).**

Council Member Curran asked if the use of city owned vehicles for take home purposes could be removed from the benefit list. Chairman McCarthy said that Mr. Osborn and Atty. Anastasi would be the ones to answer that question, however he reminded everyone that some vehicles had been removed from city employees use and the case had gone to the Labor Board. The Labor Board had ruled against the City, the vehicles were returned to the employee's use and monetary fined had been levied.

28-06 Proposed amendment to Municipal Code, Chapter 3.16 Property Taxes, add new Article IV Tax Abatement Other, new Section 3.16.180 Abatement for surviving spouses of police officers and firefighters.

Atty. Anastasi distributed copies of a legal opinion dated May 18, 2007 and informed the Committee that there was a typographical error in the last phrase of the last line of the letter. It should read "upon twelve (12) months prior notice."

Atty. Anastasi reviewed his legal opinion with the Committee. There were several questions about the phrase "portal to portal" and what that covered. Council Member Walsh disagreed with Atty. Anastasi's reasoning for including the phrase "portal to portal". A discussion about this issue then followed. The discussion concluded with

Council Member Walsh stating that he would accept a compromise on the language of the proposal.

**** COUNCIL MEMBER WALSH MOVED TO AMEND ITEM 28-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, ADD NEW ARTICLE IV TAX ABATEMENT OTHER, NEW SECTION 3.16.180 ABATEMENT FOR SURVIVING SPOUSES OF POLICE OFFICERS AND FIREFIGHTERS TO INCORPORATE ATTY. ANASTASI'S LEGAL OPINION AND CHANGING THE LAST LINE OF THE LETTER FROM:**

“FINALLY, IT IS EXPRESSLY UNDERSTOOD THAT THE CITY COUNCIL WILL MONITOR THE FINANCIAL IMPACT OF THIS ORDINANCE AND EXPRESSLY RESERVES THE RIGHT TO BOTH REVOKE THE ORDINANCE AND TO TERMINATE THE BENEFITS GRANTED UNDER THE ORDINANCE TO ANY AND ALL RECIPIENTS, UPON TWELVE (12) MONTHS PRIOR NOTICE.”

TO: ““FINALLY, IT IS EXPRESSLY UNDERSTOOD THAT THE CITY COUNCIL WILL MONITOR THE FINANCIAL IMPACT OF THIS ORDINANCE AND EXPRESSLY RESERVES THE RIGHT TO REVOKE THE ORDINANCE.”

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER WALSH MOVED TO APPROVE ITEM 28-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 3.16 PROPERTY TAXES, ADD NEW ARTICLE IV TAX ABATEMENT OTHER, NEW SECTION 3.16.180 ABATEMENT FOR SURVIVING SPOUSES OF POLICE OFFICERS AND FIREFIGHTERS AS AMENDED AND TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

70-06 Proposed amendment to Municipal Code, Chapter 8.90 Regulation of the Marketing of Tobacco Products to Children, amend Section 8.90.020 Purpose of chapter.

**** COUNCIL MEMBER SILVA MOVED TO TABLE AGENDA ITEM 70-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, CHAPTER 8.90 REGULATION OF THE MARKETING OF TOBACCO PRODUCTS TO CHILDREN, AMEND SECTION 8.90.020 PURPOSE OF CHAPTER.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

72-06 Proposal to request reports from Police and Zoning Departments concerning illegal placement of signage.

**** COUNCIL MEMBER SILVA MOVED TO TABLE AGENDA ITEM 72-06 PROPOSAL TO REQUEST REPORTS FROM POLICE AND ZONING DEPARTMENTS CONCERNING ILLEGAL PLACEMENT OF SIGNAGE.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

100-06 Proposed amendment to Municipal Code, amend Chapter 2.38 Code of Ethics.

Atty. Anastasi distributed copies of a legal opinion dated May 24, 2007 to the members of the Committee.

Atty. Anastasi explained that the proposed new section should be reviewed by the City's Labor Relations Office because it may be subject to mandatory collective bargaining or it may also be covered by other provisions of the City's collective bargaining agreement.

**** COUNCIL MEMBER WALSH MOVED TO TABLE ITEM 100-06 PROPOSED AMENDMENT TO MUNICIPAL CODE, AMEND CHAPTER 2.38 CODE OF ETHICS.**

**** COUNCIL PRESIDENT AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL PRESIDENT AYALA MOVED TO ADJOURN.**

**** COUNCIL MEMBER SILVA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
MAY 7, 2007
6:00 P.M.**

ATTENDANCE: Council members: McCarthy, Curwen, Silva, *Ayala
** denotes – sat in to make a quorum*

ABSENT: Council members: Holloway, Lyons, Dye

Co-chair McCarthy called the meeting to order at 6:05 p.m.

PUBLIC HEARINGS

- 1) Proposed amendment to Municipal Code of Ordinances: Chapter 3.16 Property Taxes, Article I, In General, is hereby amended to add new Section 3.16.055 Tax exemption – motor vehicles equipped for persons who are handicapped. (Item # 01-06)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

** **COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

** **COUNCIL MEMBER AYALA SECONDED**

** **MOTION PASSED UNANIMOUSLY**

- 2) Proposed amendment to Municipal Code of Ordinances: Chapter 8.68 Littering, amended Section 8.68.060 Merchants duty to keep sidewalks clean, amended to add new paragraph. (Item # 66-06)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

** **COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

** **COUNCIL MEMBER SILVA SECONDED**

** **MOTION PASSED UNANIMOUSLY**

- 3) Proposed amendment to Municipal Code of Ordinances: Chapter 8.80 Noise Control Regulations, amended Section 8.80.040 D Noise Levels, amended to add new subsection 9. (Item # 85-06)

The co-chair asked if there was anyone to speak in favor of this item

- Attorney Regan stated this ordinance was for an amendment that was forwarded after working with PSEG, to allow the plant to work in conjunction with the Department of Environmental Protection (DEP) to reduce emissions by July 2008; so the ordinance gives an exemption to comply with the state regulations.

The co-chair asked if there was anyone to speak against this item

Hearing none

**** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

- 4)** Proposed amendment to Municipal Code of Ordinances: Chapter 2.102 Planning and Zoning Commission, amended to add new Section 2.102.060 Land Use Application and Review Fees. (Item # 129-06)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

**** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

ADJOURNED

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

City of Bridgeport
Ordinance Committee
May 7, 2007
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**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
JUNE 4, 2007
6:00 P.M.**

ATTENDANCE: Council members: Walsh, Curwen, Silva, Lyons

ABSENT: Council members: McCarthy, Holloway, Dye

Co-chair Council member Walsh called the meeting to order at 6:30 p.m.

PUBLIC HEARINGS

- 1) Proposed amendment to Municipal Code of Ordinances: Chapter 2.36.010 Officers' and unaffiliated employee salaries, is hereby amended to add new paragraph B. (Item # 198-05)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

** **COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

** **COUNCIL MEMBER SILVA SECONDED**

** **MOTION PASSED UNANIMOUSLY**

- 2) Proposed amendment to Municipal Code of Ordinances: Chapter 3.16 Property Taxes, is hereby amended to add Article IV. Tax Abatements Other. Section 3.16.180 Abatement for surviving spouses of police officers and firefighters. (Item # 28-06)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

** **COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

** **COUNCIL MEMBER SILVA SECONDED**

** **MOTION PASSED UNANIMOUSLY**

- 3) Proposed amendment to Municipal Code of Ordinances: Title 2 Administration and Personnel is hereby amended to add new Chapter Citizen Based Financial Review and Audit Commission. (Item # 76-06)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

**** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

**** COUNCIL MEMBER LYONS SECONDED**

**** MOTION PASSED UNANIMOUSLY**

- 4)** Proposed amendment to Municipal Code of Ordinances: Title 2 Administration and Personnel is hereby amended to add new Chapter Mayor's Commission on the Arts. (Item # 89-06)

The co-chair asked if there was anyone to speak in favor of this item

The co-chair asked if there was anyone to speak against this item

Hearing none

**** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**

**** COUNCIL MEMBER LYONS SECONDED**

**** MOTION PASSED UNANIMOUSLY**

ADJOURNED

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 6:39 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
JUNE 14TH, 2007**

ATTENDANCE: Council Members: Tom McCarthy, Co-chair; Robert Walsh; James Holloway; Carlos Silva

ABSENT: Maria Valle

STAFF: Mark Anastasi, City Attorney; Ron Pacacha, City Attorney's Office

OTHERS: Warren Blunt, Rufus Wells, Gail Solis, Eroll Skyers

The meeting was called to order by Mr. McCarthy at 6:14 p.m.

Mr. McCarthy announced that Councilman Valle would not be in attendance.

A moment of silence was held for Johnny Dye.

**256 – 05 Proposed amendment to Municipal Code, amend Section 3.12.130
Small Business Enterprise.**

The document and its changes were discussed at great length.

Atty. Pacacha will retype this document.

**** MR. HOLLOWAY MOVED TO AMEND THE DOCUMENT BY
SUBSTITUTION WITH THE CHANGES MADE AT THIS
COMMITTEE MEETING.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. HOLLOWAY MOVED TO HOLD A PUBLIC HEARING TO
PRESENT THIS DOCUMENT AS AMENDED BEFORE THE
FIRST COUNCIL MEETING AFTER THIS MONDAY, JUNE 18TH
2007.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. HOLLOWAY MOVED TO ADJOURN.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Jessica Schroder
Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
JUNE 26, 2007
6:00 P.M.**

Attendance: Council members: McCarthy, Curwen, Lyons, Walsh

Others: Nancy Hadley, Mike Nidoh,

City Attorney: Mark Anastasi

Associate City Attorney: Melanie Howlett

Co-chair McCarthy called the meeting to order at 6:35 p.m.

PUBLIC HEARINGS

Approval of Minutes Special Meeting May 24, 2007; Public Hearing June 4, 2007;
Special Meeting June 14, 2007

**** COUNCIL MEMBER WALSH MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

Council member Walsh updated that there was a special meeting regarding minority contracts. The meeting has been rescheduled for the first July meeting. Council member McCarthy said that Council member Holloway decided they would meet on July 2.

70-06 Proposed amendment to Municipal Code, Chapter 8.90 Regulation of the Marketing of Tobacco Products to Children, amend Section 8.90.020 Purpose of chapter.

Council member McCarthy stated that Council member Paoletto requested that this item be tabled.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

72-06 Proposal to request reports from Police and Zoning Departments concerning illegal placement of signage.

Council member McCarthy stated that Council member Paoletto requested that this item be tabled.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

94-06 Proposal amendment to Municipal Code, Section 10.16.100 Deposit of coin required – Overtime parking – Parking adjacent to expired meter.

Council member McCarthy said this matter went through committee.

Attorney Howlett said the Police Commission approved the payment having to do with a card, so as long as they agreed to the amended language, the item can be approved. The amended language should read:

“Any other form of payment approved by the Police Commission and the City Council”.

Attorney Howlett also noted that the last two paragraphs in the ordinance should be deleted.

*Attorney Howlett stated she would submit a clean copy of the official legal opinion to the city clerk’s office.

**** COUNCIL MEMBER CURWEN MOVED TO AMEND THE LANGUAGE
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE AS AMENDED
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY**

***A public hearing will be scheduled prior to the next city council meeting on July 2, 2007.**

98-06 Proposed amendment to Municipal Code, Chapter 8.76 Anti Blight Program, add new Section 8.76.051 Special Assessments.

Ms. Hadley updated that the state legislature amended the state statute that allows a community with a blight program to have the cost assessed that is equivalent to a tax lien. The matter will have standing if the property goes to foreclosure, but they need to appoint a special committee consisting of six (6) persons. So Attorney Howlett submitted language *(she referred to page 8 of the*

document) that allows the Mayor to appoint a committee to determine how the assessment will work and then that information will be reported back to the city council, who will then decide if they want to create an ordinance to enforce it.

Council member McCarthy asked if it was correct that there was a state statute indicating that. Attorney Howlett said yes noting it was a way to avoid repeat offenders. So if they decided upon it, the ordinance could be adopted for special assessments.

Council member McCarthy asked then if this gave them the ability to collect money from people. Ms. Hadley replied yes, noting that they do that now, but there will be more enforcement, however, they need an ordinance to carry it out.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE**

Council member Walsh stated if they established a committee and prepared a report about an ordinance, he questioned whether it would result in preparing a report identifying properties. He didn't feel this should be done by ordinance. Attorney Howlett said the legislature wants the city to study the region and determine who would qualify for the assessment. So again, they need to clarify who should get taxed first and then determine who would be subject to the assessment, i.e., they would be subject to the tax, based on any violations for a year.

Council member Walsh said the problem was that if they identify the properties and then later find others that should be taxed; they won't be able to tax them for another year. City Attorney Anastasi said the purpose was to find a viable need first, but the assessments will constantly change based on findings.

**** COUNCIL MEMBER WALSH MOVED TO TABLE**

He noted that the ordinance was in conflict with the city charter.

Council member Lyons asked about the city charter and questioned how it could be aligned with the charter. Attorney Howlett said it could be read in conjunction with the charter to make it work, but the Tax Assessor had to be on the committee.

Attorney Anastasi said where it could be read together, they can designate that they need to be a resident elector.

**** COUNCIL MEMBER LYONS MOVED TO AMEND PAGE 9 OF THE ORDINANCE TO READ:**

“With the exception of the Tax Assessor, that...Ms. Hadley interjected to read the statute to point out that she interpreted the ordinance differently. She said

she thought it read to mean there shouldn't be less than six assessors. She felt the intention was to make sure they are the electors the charter calls for.

It was noted that the new language should be inserted after the words Building Department. And should read:

“With the exception of the Tax Assessor, members of the committee shall also be residents of the city”.

**** COUNCIL MEMBER LYONS MOVED TO AMEND THE ORDINANCE TO READ “WITH THE EXCEPTION OF THE TAX ASSESSOR, MEMBERS OF THE COMMITTEE SHALL ALSO BE RESIDENTS OF THE CITY”.**

**** COUNCIL MEMBER CURWEN SECONDED**

Attorney Anastassi said there would be six taxpayers in addition to the officers named. Attorney Howlett said they needed a minimum of six.

Council member Walsh said he wanted to assure that the representatives were Bridgeport residents.

**** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER LYONS MOVED TO APPROVE AS AMENDED**

**** COUNCIL MEMBR CURWEN SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING ON JULY 2, 2007**

**** COUNCIL MEMBER WALSH SECONDED**

**** MOTION PASSED UNANIMOUSLY**

100-06 Proposed amendment to Municipal Code, Chapter 2.38 Code of Ethics, amend Section 2.38.010 to add new subparagraph E and amend Section 2.38.040 Commission on ethics.

Council member Walsh stated that at the last meeting, per the legal opinion, there was some question about the language about upholding the constitution. He said he didn't have a problem with striking that language until they get to the city charter ordinances. He said the other point was that in the newly proposed minority contract ordinance, it reads that the employee could be held accountable for adhering to the ordinance. Attorney Anastasi said they didn't need to put this in the ethics ordinance, since they are held accountable daily for progressive discipline. Council member Walsh said that by making it a part of the Ethics Commission, you enable an employee to have more input, and then they could outline what the appropriate disciplinary action should be.

Council member McCarthy asked if the Ethics Commission would have the power to discipline. Council member Walsh said they would have the power to find if an ethical violation has taken place. And in finding that, it would be made public. Attorney Anastasi said he wasn't sure if that would be a negotiable issue. He said there might be a conflict of interest; for instance, someone who was getting a financial gain, that would be asking the Ethics Commission to become a clearing house for just anybody who violates the charter ordinance. And that could result in putting the matter in the hands of the public. He suggested consulting with Labor Relations to find out if it would be appropriate procedure.

Council member McCarthy said that in order not to make it a labor issue, even if there is a finding, the department will still have the ability to do as they wish, in that they can't take the power and discipline away from the department heads.

Council member Walsh said he agreed with tabling the item for a month for the purpose of returning it to Labor Relations. Council member McCarthy noted he would contact Labor Relations.

**** COUNCIL MEMBER WALSH MOVED TO TABLE**
**** COUNCIL MEMBER CURWEN SECONDED**
**** MOTION PASSED UNANIMOUSLY**

155-06 Proposed amendment to Municipal Code, amend to add new Chapter 2.122 Animal Control Commission.

**** COUNCIL MEMBER LYONS MOVED TO TABLE**
**** COUNCIL MEMBER CURWEN SECONDED**
**** MOTION PASSED UNANIMOUSLY**

166-06 Proposed amendment to Municipal Code, Chapter 2.110 City Records, amend to add new Section 2.110.140 Enterprise Geographic Information System (B EGIS).
Attorney Anastasi said John Barton spent a lot of time on the GIS, but Attorney Howlett mentioned there were certain elements she became involved in since Mr. Barton left. However, the ordinance was sent to the city attorney's office only a month ago and a legal opinion hasn't been formed yet.

Mr. Nidoh said the ordinance was kept simple and currently there is no GIS program. But they looked at where it would best fit and considered putting it in a new section under 2.110.

Attorney Anastasi said that Attorney Howlett's concerns were (FOI) and state public safety. He said the city attorney's office would commit to having the legal opinion done by the next meeting.

Mr. Nidoh updated that currently there is no GIS, so they covered all aspects for the ordinance – *he read the ordinance highlighting that they established:*

- *A GIS system in the city*
- *A technical committee to oversee the program*
- *A data disclaimer, release agreement and sale of data policies*
- *fees for B-EGIS data*
- *business plan as enterprise fund*
- *coordinate all the data in the GIS to assure it's compatible with the multi-million data base they are establishing*

He noted it will be the leading data base in Bridgeport.

Council member Curwen asked then if the document distributed didn't address Attorney Howlett's issues. Attorney Anastasi said no, Attorney Howlett's concerns again were (FOI) and public safety. Council member Curwen asked if those concerns could be included in the policy aspect. Ms. Hadley said that's where they are now and they don't need to be in the ordinance. She further stated that Scott Appleby worked with John Barton to make sure the matter was handled properly, in terms of protection and security. But it wasn't meant to be bulked in with the ordinance.

Council member Curwen commented that he would like to see the policies with the ordinance.

** **COUNCIL MEMBER CURWEN MOVED TO TABLE**
** **COUNCIL MEMBER LYONS SECONDED**
** **MOTION PASSED UNANIMOUSLY**

184-06 Proposed amendment to Municipal Code, Chapter 3.08 City Contract and Purchasing Procedures, amend Section 3.08.090 Disqualification of vendors doing business with the city procedure to add new subparagraph (B) (7).

Council member McCarthy noted this was Council member Holloway's amendment.

Attorney Anastasi distributed a brief legal opinion. He explained that the matter was related to small MBE they would be acting on, on July 2. He recalled that they wanted to have the ability to disqualify a vendor if they don't comply with the ordinance. He clarified they will have to adopt that after the new ordinance is in place or at the same time, but they can't do it before. It was stated that the item was previously approved in committee.

** **COUNCIL MEMBER WALSH MOVED TO APPROVE**
** **COUNCIL MEMBER CURWEN SECONDED**
** **MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER WALSH MOVED TO SCHEDULE A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING ON JULY 2, 2007**

**** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

ADJOURNED

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
JULY 2, 2007
6:00 P.M.**

Attendance: Council members: McCarthy, Curwen, Holloway, Walsh

Council member McCarthy called the public hearings to order at 6:34 p.m.

PUBLIC HEARINGS

- 1) Proposed amendment to Municipal Code of Ordinances: Chapter 3.12 Equal Opportunity Requirements for Contractors, Section 3.12.130 Small Business Enterprise Program is hereby substituted in its entirety and replaced with the following ordinance: Section 3.12.130 Minority Business Enterprise Program. (Item # 256-05)

 - 4) Proposed amendment to Municipal Code of Ordinances: Chapter 3.08 City Contract and Purchasing Procedures, amend Section 3.08.090 Disqualification of vendors doing business with the city procedure, amend to add new subparagraph (B) (7). (Item # 184-06)
- **
COUNCIL MEMBER HOLLOWAY MOVED TO COMBINE ITEM 256-05 WITH ITEM 184-06
**
COUNCIL MEMBER WALSH SECONDED
**
MOTION PASSED UNANIMOUSLY

The chair asked if there was anyone to speak in favor of the ordinance

- Ms. Gail Solis, Executive Director of the Bridgeport Chamber of Commerce approached the committee. She said that she was in favor of the ordinance and she thanked the committee for the opportunity to speak. ***She read highlighted portions of her statement attached.***

She urged the committee members to pass the ordinance and she thanked them for their time and action tonight.

- Ms. Alma Maya approached the committee. - ***She read her statement attached.*** She concluded and thanked the committee for the time to speak.

- Mr. Howard Gardner, 7 Brooklawn Avenue approached. He thanked the committee for allowing him to speak. He mentioned the ordinance to question why they were here tonight to discuss a new ordinance, noting that he thought one was already on the books. He said the disparity between minorities and women was looked at and found not to be equal and the existence of the ordinance will treat them equally. He felt the new ordinance was targeted specifically to a group, and he didn't feel to group minorities and women in the same group complied. He also noted who was not taking full advantage of the

ordinance. The study outlined how to remedy disparities, but they were told they would appoint more administration to implement the ordinance from 2006 to date, but it still hasn't been done. So he thought the administration was lax in implementing an effective ordinance. He further spoke about the 75% Black and Latino populations that make up a big portion of the disparity study, but less than 4% of contracts went to minority businesses, so not only is that wrong, its immoral! He further spoke about who was constructing projects in the city and pointed out that they weren't minorities and didn't appear to be fathers or brothers. He repeated that an ineffective ordinance was implemented. He spoke about the large school construction projects that minorities have not been a part of. He ended in asking for the committee to vote with a clear conscience on this matter.

- Senator Bill Finch, 70 Crown Street thanked the committee for the opportunity to speak. He expressed that everyone could benefit if the ordinance was passed. He emphasized that it was long overdue and that it was important to remove the structural impediments that block minorities from being involved in contracts. He further expressed that it didn't matter how good a person's work was, because if the bond is too high to bid on, if there are too long pay periods and other impediments in the way, this can be changed and fixed. And the only way to do this is with the council vote tonight. He said that if they don't have good monitoring and leadership from the city council, then this will end up being just another ordinance. So he stressed that they needed to make sure there are teeth behind the ordinance. Overall, he said he was pleased about it.
- Mr. Hector Diaz said he was in favor of the ordinance. He said he was present tonight to join the voices of those others who were in favor. He noted the matter was well overdue and he urged support of the ordinance, so they could act ASAP.
- State Representative Caruso stated he was present to ask for support of the ordinance, due to the issue of fairness and equality. He noted that since the matter came up in 2002, nothing has been done to address it, but they have an existing law that should be enforced. He further noted that there were talented persons in the community that are qualified to participate. He pointed out that it was unfortunate that it had to be done through an ordinance, and considering all the other issues that have plagued the city, he said one would think that someone in the city would have had the foresight to bring in minority contractors, especially those that work in the city. More importantly, he said the ordinance will have to be enforced to assure that it's done properly and the bidding procedure must be transparent and nepotism must stop. Overall, he felt the matter concerned a question of fairness and equality.
- Dr. Ralph Ford stated he wouldn't belabor the issues already covered. However, he said the ordinance before them was a well read document and he thought they should be proud of it. He pointed out they were here due to one person that has been waiting for this to happen and that person was Council member James Holloway. *The audience stood to applause.* Dr. Ford expressed they were looking to get good results from the ordinance.
- Adrienne Farrar Houel, 85 Chopsey Hill Rd. stated she was for the ordinance. She said that the questions asked seemed to have more to do with self-interest rather than what's right, but the matter has more to do with raising aspirations of the citizens. She noted that most developers work elsewhere. She pointed out

one distressing thing was that the disparity study found that 75% white males were qualified but work actually went to 85%, so that meant that at least 10% were unqualified. She emphasized that such a disparity takes away from meting out equal contracts across the board. Overall, she thought passing the ordinance would be the first step in the MBE.

- James Nelson Gore Sr. thanked the committee for allowing him to speak. He stated he was present tonight, because he, like many, was looking for a part of the pot in getting equal contracts for minorities. He expressed that he worked hard and should have a piece of the pot to get the job done.
- Attorney Cynthia Jennings Esquire thanked the city council and business owners that were in favor of the ordinance. She noted that she was a Bridgeport attorney who worked hard and in conjunction with many city departments to establish the ordinance. She also thanked the Ordinance Committee who voted unanimously for it. She further thanked Charles Tisdale who also worked tirelessly to make it happen. She expressed it was a good looking out for minorities, but that the community was in danger as a whole when it comes to fairness. She stressed that the ordinance will provide employment for many in the city, thus, this results in support of the tax base that is in trouble. She urged the council to pass the ordinance and make sure there are economic opportunities for all residents of Bridgeport.
- Jimmy Cooper stated he was in favor of the ordinance. He said that as a life long resident on the east end, he was here in regard to the future for kids coming up. He expressed that since 1990, there has always been a persistent battle to provide employment for youth and he pointed out the problem he faced with youth asking him for work each summer. He explained that his position was to fight for the future of our youth. So with the ordinance, it will present an opportunity to bring dollars back to a community that will result in a positive thing. Overall, he said they needed to consider how this will affect children in the future and they need to move forward in the 21st century.
- Joshua Grant said he was in favor of the ordinance. He said he was a business owner and he was here tonight to talk about how the inequality of contracts has affected him. He pointed out that all the materials needed for this business were purchased through Bridgeport vendors. He stressed that in his 15 years of experience, he hasn't been able to secure a city contract on his own. So if the ordinance doesn't have teeth, it won't work. He further expressed that minority contractors won't be shut up. And he stressed that the city should be active in pursuing contracts for minorities and he asked the council to keep that in mind as a body that works for the people.
- Senator Edwin Gomes stated he has been a resident of Bridgeport since 1944. He expressed that when he was seated on the city council they spent a long time discussing MBE's. The disparity study had been delayed for a while, but when it was finally presented, it wasn't satisfactory, so it had to be rethought. He spoke about building the five schools in the city and the issue of people in Bridgeport getting hired for those projects, noting that some of the schools built to date hasn't been to the benefit of MBE's. He mentioned the numerous people that spearheaded this issue and spoke out about it. He emphasized that they had to look out for the people to help them get on their feet to be able to subsist and live in the city.

- Cecil Young said he was in favor of the ordinance as a minority. He brought up the issue of him fighting his fight and getting his fair share of sheriff work. He stressed that he questions whether he is considered to be less than a minority by many. He further went on about the injustices he has experienced and he ended in urged the council to be fair in passing the ordinance.
- David Hall., 74 Terry Place said “hats off” to the committee for allowing the public to speak. He expressed his thanks to his comrades who have worked hard on this matter to clean up the ordinance and did a great job. However, he thought there were other areas that haven’t been covered, such as when a contractor sends a bid in, there is a requirement that they also send a percentage of that job in the form of a cashier check, for example: if they bid on a job for \$100k, they need to mail in \$10k, he emphasized that requirement hurts many. Another problem that will need to be addressed is showing good intentions and the importance of policing the effort. He stressed that if that isn’t done, then the law is “no good”.

The chair asked if there was anyone to speak against the ordinance
Hearing none, he closed the public hearing.

** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY

- 2) Proposed amendment to Municipal Code of Ordinances: Amend Section 10.16.100 Deposit of coin required – Overtime parking – Parking adjacent to expired meter. (Item # 94-06)

The chair asked if there was anyone to speak in favor of the ordinance
The chair asked if there was anyone to speak against the ordinance
Hearing none, he closed the public hearing.

** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY

- 3) Proposed amendment to Municipal Code of Ordinances: Chapter 8.76 Anti Blight Program, amend to add new Section 8.76.051 Special Assessments. (Item # 98-06)

The chair asked if there was anyone to speak in favor of the ordinance
The chair asked if there was anyone to speak against the ordinance
Hearing none, he closed the public hearing.

** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING
** COUNCIL MEMBER WALSH SECONDED
** MOTION PASSED UNANIMOUSLY

- ATTACHMENTS -

SPEAKER'S STATEMENTS July 2, 2007

STATEMENT

Presented to: The Bridgeport City Council

From: The Bridgeport Regional Business Council

Mayor Fabrizi and members of the Bridgeport City Council, thank you for this opportunity. For the record, my name is **Gail Solis and I currently serve as Executive Director of the Bridgeport Chamber of Commerce**, an affiliate of the Bridgeport Regional Business Council. I represent the Business Council's CEO, Paul Timpanelli, who is unable to be present tonight. I come to speak briefly regarding the revised MBE Ordinance #3.12.130. The Business Regional Business Council supports this ordinance revision so that the playing field is equalized for all local small businesses regardless of gender or race.

As you know, the Business Council has spent a great deal of time and energy over the last decade in many ways partnering with the city and others in pursuit of economic development for Bridgeport. Our mission is to work to grow the tax base in the communities that we serve in order to enable those communities to raise sufficient revenue to provide needed quality services to residents, which, in turn, improves the quality of life, and therefore the attractiveness of the city to businesses in those communities.

Because the Disparity study clearly demonstrated that smaller minority firms were not being utilized adequately in construction and related fields; and that much of the work was going to the larger, more established contractors, the proposed revised ordinance seeks to increase the goal from 25% to 30% participation for minority owned, women-owned, and other disadvantaged firms. The ordinance also supports a 6% set-aside for African-American subcontractors in construction; and requires new enforcement efforts with civil penalties for non-compliance.

Tonight, we urge the members of the City Council to pass revisions to the Minority Business Enterprise ordinance previously approved by the Ordinance Committee. Notwithstanding, minority businesses have been the last to benefit from the economic development expansion the City is realizing. To quote State Senator Bill Finch: "We need to change our policies to make sure that all our local companies have a fair chance to benefit from both the public and private sector investment being made in Bridgeport. It's not only the right thing to do, it's long overdue."

Minority Business Enterprise Program — Highlights

This revised Ordinance:

1. Sends a clear and convincing message to the Bridgeport community that the City is open for business with all small businesses including minority-owned businesses
2. Creates a " Program for informal contracts that impacts all

Bridgeport small businesses by acknowledging the findings of the recent disparities study and correcting policies which have the affect of limiting minority-owned businesses

from full participation in the economic growth they have helped to cultivate. They will be able to compete to provide goods and services to the City. This ordinance provides new opportunities for both Women-owned and Minority-owned businesses because the ordinance establishes separate goals, so that WBEs and MBEs are no longer in competition.

It is a cooperative opportunity for all business owners regardless of their race or gender. The ordinance will help keep Bridgeport tax dollars in the City and bolster the local economy by helping local businesses. The ordinance also encourages small businesses to move to the City in order to compete for small business contracts in the Sheltered Market Program. This will help build the City's tax base and encourage economic development.

3. Closes the loop on "Businesses that are formed for the purpose of circumventing the intent of the MBE Ordinance. It calls for 30% of the work to be self-performed by MBE, WBE, or DBE contractors. This ordinance discourages the brokering of business to majority firms from minority firms, which is a practice that is frowned upon at a national level.

4. Creates a procedure to eliminate "Shopping" where a majority contractor uses a minority contractor in its bid to satisfy the requirements of minority participation, and uses a different contractor after bid-award other than the one specified in the original bid.

5. Gives teeth to the MBE Program in that there are penalties for City employees and contractors who attempt to circumvent the requirements of the ordinance. Usually an employee or contractor uses his/her best efforts to achieve program goals. The ordinance defines what constitutes "best efforts", and the associated penalties for failure to follow the best efforts protocol outlined in the ordinance.

6. Provides for a "Payment Directive - an important aspect for small businesses who do not typically have access to capital markets like major firms. The prompt payment directive will allow minority businesses to carry their payrolls by relieving the stress associated with long periods without payment. Over time, the prompt payment directive will assist MBE firms in becoming bankable enterprises with access to the capital markets, and eventually access to bonding.

7. Provides "Requirements for the City to develop a policy to reduce or eliminate bonding requirements on City contracts to the extent that it balances the city's risk for job completion with some contingency funds. Bonding requirements and access to capital markets have traditionally been the barriers that have prevented MBE firms from competing on City contracts. This ordinance attempts to address this problem.

8. Establishes "and Compliance via a Compliance Committee to ensure this critical ordinance is enforced. Over the years, there has been significant legislation created that simply sits on the books without creating wealth for our citizens. This ordinance places authority and responsibility for implementation and compliance within the Compliance Committee. This committee will be the Watchdog that will ensure implementation of the ordinance.

9. Supports "of Large Contracts and opens up opportunities for joint venturing so that smaller businesses can partake.

The following are recommendations by the Business Community:

> First - include the utilization of the free certification services of the CT State Department of Administrative Services intent on assisting the development of minority suppliers of various goods and financial services throughout the state.

> Second - while the ordinance focuses on contractors, it would be a mistake to do so entirely. If the City really wants to make a difference, it needs to be more inclusive. A review of the Black Enterprise list of the top 100 Black Owned businesses and the Hispanic Business list of the top 500 Hispanic owned businesses, will reveal that very few firms are in the "construction" business.

> Third - although this Ordinance has some real backbone designed to better serve the entire business community, the taxpayers' perspective needs to be addressed in evaluating the additional cost to the City accordingly:

- Cost of - Additional Staff to implement the processes
- Cost of - Lost productivity and/or additional hours of overtime/training
- Cost of - Procurement related to a higher cost associated with set-asides
- Cost of - Additional equipment and/or software for public use
- Cost of - Advertising weekly in the Saturday CT Post
- Cost of - Administrative oversight
- Cost of - Legal Council to defend court challenges
- Cost of - Conducting Outreach and Implementing Marketing Strategies

In Conclusion

This revised Ordinance takes into account the 2005 Disparity Study's Executive Summary's Recommendations for best management practices to adopt race-conscious programs by "Coding Contracts by Industry Classification" and by "Designing a Utilization Tracking System" to facilitate compliance reporting.

Most small business owners, with an average of 3 to 10 employees, have voiced that they need an advocate on the inside of the process. They need support and assistance to get into and through the maze process of bidding on construction work projects. The unions would like nothing better than to keep the small contractors out of the process. These disparities, resulting from long years of discrimination have retarded the birth and growth of minority businesses in our City. This is an economic development issue since the progress of our City depends on the wealth and opportunity of its citizens. Collectively, if we support small businesses, the ripple effect will bring prosperity to the neighborhoods where these businesses are located and will further raise the city's economic prosperity. The Business Community encourages all businesses to become involved by registering with RFP Depot — which will provide them with real-time information on contracting opportunities in Bridgeport and elsewhere.

City government must be the catalyst in creating public I private partnerships between large and small contractors and suppliers so that everyone benefits from our economic expansion. Achieving the goals established in this ordinance will require everyone to

work together to create meaningful benefits for Bridgeport businesses. Collectively, we must do all we can to help our small, minority-owned, women-owned, and Bridgeport small businesses be ready to take advantage of these opportunities.”

The objective here is to develop and operate programs to enable local, small minority and women-owned contractors and suppliers to realize their potential in construction and related fields. With training, finance and technical advice, smaller firms would have many new opportunities to win larger contracts and become competitive with the larger, more established firms. Such an effort would strengthen the local economy, help eliminate the disparity in the construction industry, and create professional and trade jobs in our growing Black and Latino communities.

Although there might be unanswered questions that deserve discussion for clarification and consideration, much work and effort has gone into revising this MBE Ordinance to achieve its goals.

***The Bridgeport Regional Business Council thanks the Black and Latino Caucus of the Council for spearheading this effort, along with the Minority Business Consortium, supported by ABCD through Charles Tisdale, and for collectively working tirelessly with the Caucus, the Mayor’s Office, and the Ordinance committee to revise this Ordinance and ensure its implementation.**

The Public Hearing for the Ordinance Committee of the City of Bridgeport

City Council

45 Lyon Terrace, BPT, CT 06604

July 2, 2007

Good evening my name is **Alma Maya, I live at 220 Funston Ave. BPT, CT.**

Thank you for this opportunity to speak as a proponent of the amendments to your MBE Ordinance.

In 2005 the City of Bridgeport released the Mason Tiliman Study. This study had been commissioned by the City to gather information on the status of minority businesses in the City and their ability to bid and receive municipal contracts.

The Study results indicated that 81.90% of prime contracts under \$25,000 went to Caucasian/male owned businesses. In contrast only 1.53% of these contracts went to MBEs. During the period of the study, only 71.76% of Caucasian/male owned businesses were deemed qualified for these types of contracts. The awarding of these contracts to these businesses resulted in less than 10% of the total contract value of \$520K to be awarded to MBEs.

The Tiliman study made the following recommendations:

- Put into place Prime Contractor remedies such as, award evaluation credits to identified target groups for A&E and Professional Services contracts; create a Sheltered Market program for all informal Prime Contracts with set asides for competition among small firms, including M/WBEs

City of Bridgeport

Ordinance Committee Public Hearing

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- City purchasing agents should be required to solicit quotes from all target groups
- The City should set goals for target group contracting
- Set goals for specific sets of subcontracts
- Require majority firms to subcontract to minority firms and control the effective use of minority firms
- Set goals for specific sets of subcontractors
- Develop programs and tracking systems to facilitate the growth of contracting of small businesses
- Train employees in , and increase, outreach efforts to MBEs

The Mayor and Common Council approved the original City MBE ordinance on April 3, 2006. With the passing of this amended ordinance the City can finally execute a race and gender conscious program to correct past discrimination. The ordinance also creates the position of Program Administrator, to insure the implementation of the findings of the Mason Tiliman study. The Program Administrator should start work immediately. This is long "PAST DUE".

This ordinance is historic in establishing a 30% goal of City contracts to go to underutilized target groups in all City contract categories. It also reserves \$% (dollar value) of City contracts for SBEs in a sheltered market program.

I look forward to your positive action on this ordinance. I want to thank the Black and Puerto Rican/Latino Caucus of the City Council for all their hard work in drafting the language of this ordinance. I also applaud the cooperation of both the staffs of the City attorney's office and the office of the Mayor.

This ordinance deserves to be passed today in order that all our small businesses have an equal opportunity to bid and receive City contracts starting now.

Thank you for your attention.

ADJOURNED

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
 ** COUNCIL MEMBER WALSH SECONDED
 ** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Diane Graham
 Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
JULY 24, 2007
6:00 P.M.**

Attendance: Council members: McCarthy, Lyons, Silva

Council member McCarthy declared that the meeting would be cancelled at 6:40 p.m., due to no quorum. He noted that the meeting would be rescheduled at a later date.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
AUGUST 28, 2007
6:00 P.M.**

Attendance: Council members: McCarthy, Curwen, Lyons, Walsh, Silva, Bonney

Other Council members: Council members: Curran, de Para

Others: City Attorney Mark Anastasi;
Mike Nidoh; Director of Planning
Larry Osborne; Labor Relations
Ralph Jacobs; Civil Service

Co-chair McCarthy called the meeting to order at 6:12 p.m.

Approval of Minutes June 26, 2007; Public Hearing July 2, 2007

**** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE MINUTES
** COUNCIL MEMBER SILVA SECONDED
** MOTION PASSED UNANIMOUSLY**

100-06 Proposed amendment to Municipal Code, Chapter 2.38 Code of Ethics, amend Section 2.38.010 to add new subparagraph E and amend Section 2.38.040 Commission on ethics.

Council member Walsh stated this was a resolution that was originally submitted by himself and Council members Pivrotto and Curran. They were seeking to amend the code of ordinance to consider a violation of code for violating federal, state and local laws and it was agreed upon to make an amendment, *he read his copy of the amendment.*

Attorney Anastasi said he submitted his legal opinion dated June 26, 2007 and he concurred that his opinion superseded Council member Walsh's amendment. He pointed out the section that will violate the charter pertaining to the language "knowingly or recklessly" that might cause some problems. He further recalled that he thought the committee was going to invite a representative from Labor Relations to speak on the subject of mandatory collective bargaining.

Mr. Larry Osborne, Labor Relations was present. He stated that a mandatory bargaining format was in place as to when it should be applied and determined a

violation of the rules by an employee. So before they could enter into anything like that, they needed to consider what dictated mandatory bargaining.

Council member Walsh asked if a city employee could be found in violation of ethics today for an action. Mr. Osborne said there needed to be a clear determination of what an employee did. Council member Walsh explained that what he meant was that; if they did something outside of the work environment that could influence something within the work environment. Mr. Osborne asked if he was questioning matters related to federal or criminal intent.

Attorney Anastasi said if the Ethics Commission found a violation they couldn't impose discipline, but they can refer the matter to a city department such as the Mayor or the city council. However, when they make the amendment, it will be changed to the extent that it affects employees and there may be a mandatory subject of bargaining, i.e., it puts another level to disciplinary action. But employees are currently subject to ethics code policy.

Attorney Anastasi went on to say that they should be aware that under Chapter 2-Section-17, it reads that employees could be held up on malfeasance or misfeasance violations. Council member Walsh said if the Ethics Commission reaches a finding, then that finding could go be relayed to the employee's supervisor and they could face disciplinary action. Attorney Anastasi replied that if the unions are as aggressive as they have been, he felt any matter of that kind would be addressed accordingly.

Mr. Osborne explained that in any instance, they impact the terms and conditions of any impact. He said he was also certain the union will want to investigate that. If something unethical is found, and if it results in disciplinary action, it must be negotiated accordingly before any mandate.

Council member McCarthy stated that he didn't believe the union would have the right under policy to act on their own accord, he questioned that it may be an issue of two separate bargaining agreements. Mr. Osborne said that for 21 years in labor relations, he never heard of an ethics issue being acted upon until it's negotiated. Council member Walsh emphasized that maybe it needed that bite to exist today.

Attorney Anastasi said that over the decade, the bargaining units have been more aggressive challenging ethics; he said the committee should request that Mr. Osborne negotiate the impact. At any rate, they were changing substantive components of the ordinance.

Mr. Osborne said the Labor Commission could say to back to negotiate, but they need to consider the impact of negotiations between the Labor Board and the city.

Council member Curran commented that she considered ethics to be more elevated and not necessarily something that pertains to something illegal. However, she felt the council had a need to make a statement about expectations that they would like to see city employees follow. She questioned why the ordinance would be a problem if it was enacted, noting they will be fined. She repeated that the issue was to make a statement to higher ethical standards.

Council member McCarthy stated that the state law is the law. And the risk is that a person could be fined. Overall, he felt the ordinance should be passed and until it affects someone, they won't be fully aware of the impact.

Attorney Anastasi reviewed and read the language outlining bargaining negotiation policy as it pertained to a public employee. He stated there was a Labor Commission procedure to follow and put everything on the table, although it may not be mandatory.

Council member Walsh asked if the ordinance was passed with a 60-day implementation time span, would there be enough time to notify the unions. Attorney Anastasi said they should request the Labor Relations director to put it out there.

Council member Walsh pointed out the first draft ordinance was submitted on March 19, 2007. Mr. Osborne asked if anyone approached someone from Labor Relations to address the matter. He stressed that they needed to let people know what was being considered and what impacts there will be.

Council member Lyons questioned again if the ordinance proposed was ever presented to Labor Relations. Attorney Anastasi recalled there was a previous suggestion from the committee to involve Labor Relations, noting the request should have gone through the city clerk's office. Council member Walsh made it clear that it wasn't his position to know that.

Council member dePara asked Mr. Osborne how long it would take to approach the unions. Mr. Osborne said negotiations of this kind would probably require a lengthy time frame, because it may not fly.

Council member dePara thought it might be a good idea for Mr. Osborne to approach the unions for feedback and then report back to committee; he thought this would send a message that the committee was being proactive and responsible.

Council member Walsh reminded the committee members that they were up against the clock, since they were already nearing the end of August and if it's not passed by October, the matter wouldn't be brought up again until next year.

Council member McCarthy relayed that they had three choices to address the matter:

- a. pass the ordinance as is
- b. pass the ordinance with a codicil that Labor Relations will negotiate with the bargaining units
- c. say no to the ordinance, and eliminate any risks

Council member Curran commented that as a city wide endeavor, she would like to see a commitment to adhere to ethical standards.

Council member McCarthy questioned whether or not they should add the language that the ordinance is “*subject to MIRRA*”. Attorney Anastasi said they will want to put an effective date if they were denoting it was subject to MIRRA. But to some degree, he said they will lose control over the matter by allowing it to leave committee and be taken up by the Labor Board. He added that without approaching the unions, they will put themselves in a tenuous situation.

**** COUNCIL MEMBER WALSH MOVED TO APPROVE AS AMENDED AND STRIKE PARAGRAPH C OF THE AMENDMENT -as it reads below SECTION 2.38.010**

PUBLIC OFFICIALS AND EMPLOYEES ARE BOUND TO UPHOLD THE CHARTER OR ORDINANCE. FAILURE TO ADHERE TO THESE LAWS KNOWINGLY OR RECKLESSLY IN THE PERFORMANCE OF THEIR DUTIES CAN BE DEEMED TO BE IN VIOLATION OF THIS ORDINANCE BY THE ETHICS COMMISSION.

Attorney Anastasi pointed out that the word “recklessly” may make it harder to prevail with the unions. Council member McCarthy asked if he could suggest a better word. Attorney Anastasi said he would suggest the word “knowingly” instead.

**** COUNCIL MEMBER LYONS SECONDED**

Council member Curwen asked if Attorney Anastasi would put into writing that there were no legal bounds regarding the term “recklessly”. Attorney Anastasi clarified that using the word, may expose the city council to a legality by theory, but he didn’t say they couldn’t do it.

*It was noted that City Attorney Anastasi would update his legal opinion.

**** MOTION FAILED WITH TWO VOTES IN FAVOR AND THREE VOTES IN OPPOSITION (COUNCIL MEMBER SILVA, CURWEN and BONNEY)**

**** COUNCIL MEMBER WALSH MOVED TO SCHEDULE A PUBLIC HEARING**

**** COUNCIL MEMBER LYONS SECONDED**

**** MOTION FAILED WITH TWO VOTES IN FAVOR AND THREE VOTES IN OPPOSITION (COUNCIL MEMBER SILVA, CURWEN and BONNEY)**

155-06 Proposed amendment to Municipal Code, amend to add new Chapter 2.122 Animal Control Commission.

Council member McCarthy updated that this item was formed by Council member Rodgerson, but he was unable to attend tonight due to a conflict. He requested that the item be tabled.

Council member Curwen stated that since the animal control building was located in his district and he was involved in the matter in the past, he didn't have any issues regarding the establishment of an Animal Control Commission. He felt they needed one to handle the matter legislatively, so he was in favor of approving the item.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULED A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

166-06 Proposed amendment to Municipal Code, Chapter 2.110 City Records, amend to add new Section 2.110.140 Enterprise Geographic Information System (B EGIS).

Mr. Nidoh updated that this was the second or third meeting held on this matter. He said that after the first meeting, the committee requested additional information that was sent out on June 27, 2007 with the disclaimer policy, data sale policy and business plan.

Council member McCarthy asked if he had an extra copy for the new council member Bonney. Mr. Nidoh said he would mail him a copy.

Mr. Nidoh continued and said that currently in the code of ordinance, there is no reference for GIS, so the system takes digital information and ties it into the mapping process for decision making. He said they felt they needed to memorialize the system for future information by creating new ordinance sections. The program is moving along and is currently on the city's website, noting that they get extensive hits and so far it has been very successful according to feedback. But the process they will use to maintain the system needs to be in the form of an ordinance per Attorney Anastasi's legal opinion.

Mr. Nidoh gave overview of the system and said that they began the GIS program in 1995, but it got tied up in the bidding process and it took them three years to get out of the contract. In 2004, they started working with a consulting firm to put the system together and conversions took place. So far, the system has the following features:

- Zoning map
- Boundaries
- FEMA map
- School districts
- All parcels and streets
- Utility poles labeled
- Manholes designations
- Fire hydrants
- Topography
- Contours

So they progressed a long way. They also formed a Policy Committee who set up policy for the GIS. And a Technical Committee who advises on policy. Then there is a data disclaimer policy and a data release policy to address security in view of 9-11. The data sale policy involves selling information at a nominal cost and as an entire project evolves, they also have a business plan to make the program as self sufficient as possible. The program is geared to consulting firms, so they will attach a nominal cost based on FOI and all components have been amended in chapter-2 of the ordinance, Section 2.110.14. He stated he was present tonight to ask the council for approval. *(he submitted a copy of the new section details).*

Council member Curwen asked if there would be a fee for utilization of the GIS information. Mr. Sayed said the information was already available on the website for free, but if someone wants customized data, there will be a fee.

Council member Curwen asked where the money charged will go. Mr. Nidoh said the money goes into a dedicated fund to maintain data licenses.

Council member Curwen commented that amount of money could accumulate rapidly and although he didn't have a problem with that happening, he said he would like to see some controls put into place, such as a line item account to establish a cap. Or the money could go into the general fund or another designated fund. He felt that controls were necessary for future council member's reference and as a safety guard. Mr. Nidoh said he promoted the business plan and the interest is to assure that the GIS survives. Council member Curwen asked if it would be okay to place monetary limitations on the plan. Mr. Nidoh said that would be okay to do.

Mr. Nidoh stated the monies would pay for 8 or 9 different licenses, each ranging between \$3,000 and \$7,000 and they need the money to remain there for that purpose.

Council member Lyons asked about pricing and if it was based on what was put in place by the program, i.e., if the cost charged was \$550.00 now, could it change in the future. Mr. Nidoh responded that the price could change, but if it did, they would have to come back to the council for approval. He pointed out the primary concern right now was for unknown expenses.

Council member Lyons asked what departments this would affect. Mr. Nidoh said it would affect as many departments as possible, they are trying to encompass all the data into the system.

Council member Lyons asked Mr. Syed if the system was similar to the tracking systems found in vehicles. Mr. Syed said it worked exactly the same.

Mr. Nidoh gave an example of how the system will work. For instance, the fire department will know exactly where a fire is located.

Council member Lyons mentioned that perhaps there could be some grants assistance to supplement the system. Mr. Nidoh said that Central Grants was helping out, but it's not a cheap system. However, it will be endless in its potential.

Council member Lyons commented that she knew how it worked in cars and she felt it will be great if it was implemented in the fire and police departments. Mr. Nidoh gave another example of how the system will be able to track a fire that might be spreading.

Attorney Anastasi submitted his legal opinion recommending additional language added (*see below*).

Council member Curwen gave the example of Steel Point being up and running and generating all kinds of information. He asked if the fee would cover different formats. Mr. Nidoh said yes.

Council member Curwen asked what the annual cost would be to update GIS. Mr. Nidoh said they had to maintain licenses and he thought the annual expense could be approximately \$100k, he said this was based on the city changing rapidly, so they will need to update new parcels etc. he further noted the information will be shared with the Zoning Dept., Engineering Dept., Fire Department and Anti-Blight Program.

Council member Curwen asked if the Vision program was out there now. Mr. Nidoh said no.

Mr. Nidoh said they were trying to get an operator in each department as a base of operations, each designated person will be responsible for inputting information into the system.

Council member Curwen asked if there were any requests for software would go into the GIS. Mr. Nidoh said yes.

Council member Curran asked who would be charged the \$550.00 fee. Mr. Syed explained that amount would be billed to third parties, such as banks who were looking for information.

**** COUNCIL MEMBER CURWEN MOVED TO AMEND ITEM-I OUTLINED IN THE ORDINANCE AND ADD THE FOLLOWING LANGUAGE “APPROVE BY FULL CITY COUNCIL”**

Mr. Nidoh questioned if they wanted to authorize approval for every piece of software purchased. Council member Curwen said yes. Council member McCarthy thought that major purchases should get approval, but he thought they should set a threshold for all other purchases so that the department doesn't get bogged down in submitting every single request.

Council member Curwen said that ITS had a monetary threshold. He stressed that he didn't want to see a \$1million purchase made by a departmental person. But he thought a \$100k cap was acceptable.

**** COUNCIL MEMBER CURWEN MOVED TO AMEND AND ADD THAT ANY PURCHASES OF SOFTWARE/HARDWARE IN EXCESS OF \$100,000.00 MUST HAVE CITY COUNCIL APPROVAL.**

**Mr. Nidoh stated he would submit the amendment to the city clerk's office.*

Council member McCarthy reviewed Attorney Anastasi's recommended amendment.

**** COUNCIL MEMBER CURWEN MOVED TO AMEND THE ORDINANCE TO READ THAT: “NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, IT IS EXPRESSLY UNDERSTOOD THAT THE B EGIS ORDINANCE WILL BE IMPLEMENTED BY THE VARIOUS B EGIS COMMITTEES IN COMPLIANCE WITH THE CT FOIA**

**** COUNCIL MEMBER LYONS SECONDED**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULED A PUBLIC HEARING BEFORE THE NEXT CITY COUNCIL MEETING**

**** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

Council member Silva asked when full implementation would be complete. Mr. Nidoh said there wasn't a certain date, because the system is constantly being layered and the applications were endless.

219-06 Proposed resolution concerning irregularities with Civil Service Commission.

Council member McCarthy stated he might have a conflict voting on this item since there has been some discussion about him being a grants employee, but he wasn't sure, so he said he wouldn't participate in the voting anyway.

Council member Walsh stated this resolution was prompted by several complaints by city employees and action by the civil service questioning raises. So the resolution calls on the committee to conduct an investigation into the complaints and determine a remedy according to the ordinance or charter. He thought it would be best to hear from the Civil Service Director, Mr. Jacobs who was present. He noted that they would hear what happened during two levels of personnel.

Mr. Ralph Jacobs, Civil Service Director stated that if they were talking about the thirty-three (33) individuals, then they were talking about people in the union, but if they were talking about the three-hundred (300), then they were talking about people in the civil service. However, they were trying to resolve the problem of a large group of employees labeled "grants employees" that implies that they are not really civil service, but that's not true. He explained that they always have been civil service, but just not treated as such. But there was never a question of anyone not being a civil service employee and the term of them being a grants employee is completely fictional.

Mr. Jacobs further updated that research was found per a letter from Mayor Fabrizi that indicated an end needed to be put to the matter, but it wasn't. So after much discussion, they found the whole notion of a grants employee was a falsehood, and again, anyone labeled as such was clearly civil service. He pointed out there was no doubt there was a relationship as an employee of the city. he emphasized that he doesn't have authority to take that status away and the director is powerless to change the status of an employee. Within the charter, chapter-17, it spells out who is considered unclassified and everyone is classified according to the rules, unless specifically excluded. There are certain officials, such as OPM employees, the facilities director who are outlined in the charter as being employed by the will of the mayor. But the vast majority is classified as civil servants and always has been. Furthermore, the civil service can not dictate what union someone can or cannot be in.

Mr. Osborne added that he looked at the letter submitted by Mayor Fabrizi and he did a good job of outlining what will happen to the (33) individuals in the bargaining unit, that were formerly called unaffiliates; that term is a means of identifying someone not in a union. Since then, they have filed every entitlement that BCSA receives and it will be afforded to the unaffiliates.

Mr. Jacobs emphasized that there weren't any position filled as grants positions and they recognized the illegality of those positions.

Mr. Osborne stated that if they go into an agreement with a union, they were afforded entitlement, i.e., the (33) individuals had long term employments with the city and there were 30 or 40 other positions that weren't included. And still others that it was determined they had no entitlement to a union, so they were still unaffiliated. He said the majority of the terms were not afforded a bargaining unit due to the sensitive and confidential nature of a position, such as, OPM employees, the public facilities director and the finance officer. He explained that out of (229) people, there were (64) that were not civil service but belonged to a bargaining unit and weren't civil servants. Mr. Jacobs clarified that they were civil servants but just didn't know it.

Mr. Osborne went on to say that the (33) individuals were found to have a right to be affiliated and now they are.

Council member Curran asked the difference between belonging to a union and being a civil servant. Mr. Osborne said there wasn't any real distinction.

Council member Lyons asked if the Board of Education has a grants personnel. Mr. Osborne said they didn't govern the BOE. Mr. Jacobs added that the BOE employees were considered classified civil servants.

Council member Walsh asked if both were in agreement that all city employees are civil service. *Mr. Jacobs distributed some sections of the charter and referred to section 205 that highlighted civil service classified and unclassified.* He noted that the Mayor and all officers are unclassified civil servants. Council member Walsh asked then if **all employees** are considered unclassified civil servants and if the term unaffiliated denotes there is no connection to a union. Mr. Jacobs said those two terms had no relation to each other.

Mr. Jacobs explained that the Civil Service Commission continues to approve pay increases, but there is no authority to do that. He said he may request that the practice be discontinued. He said he takes all salaries to the Civil Service commission and he was told that the positions they were looking at should move into BCSA, but he was told there was no authority to approve increases. So the matter went to a motion but it ultimately dried up.

Attorney Anastasi said the disputed pertained to which bargaining unit a particular person should be a member of. Mr. Jacobs agreed that was correct. Mr. Osborne added that that the civil servant individual was unhappy with his decision and based on the fact that the individual was a supervisor, if it was found that BCSA was the appropriate bargaining unit to house the people. But this particular commission was upset with him for placing the (33) individuals in

another bargaining unit. However, there was been an ongoing issue of having them placed in LIUONA Union.

Council member Walsh asked if the civil service took action on the other employees. Mr. Jacobs said they recognized there were no more positions filled as grants positions.

Attorney Anastasi stated that the (300) grants employees were in bargaining units for decades, even while they were grants employees.

Mr. Jacobs repeated that the disputed matter of making grants employees' civil servants was resolved, because technically they already were.

Council member Walsh questioned then why there was something before the civil service. Mr. Jacobs said that was his personal opinion, but he will now seek a legal opinion regarding the salary issue. Attorney Anastasi added that they all know the collective bargaining agreement supersedes the charter.

Council member Walsh questioned why Mr. Jacobs didn't seek a legal opinion sooner. And he further questioned why the matter of the (33) individuals went on so long. Mr. Jacobs said it was because of the pay changes. Council member Walsh said but the civil service had nothing to do with the union. Mr. Jacobs said that historically, civil service has been approving pay increases.

Council member Walsh read a portion of the city charter that outlined that his duty meaning (Mr. Jacobs) was to provide assistance for paying employees per their salaries and to aid the commission to establish that an employee is regularly employed and compensated. Attorney Anastasi stated that if the collective bargaining agreement supersedes the language in the charter, it controls. But they could make the argument that the days of civil service are past, because bargaining agreements have taken over.

Council member Walsh questioned if it was a matter of illegal payroll, why was it certified. Mr. Jacobs replied it wasn't illegal, it was a matter of civil service distinction.

Council member Walsh stated that it was indicated in the newspaper that those persons had to be given civil service status. Attorney Anastasi said why they recognized civil service and classified servants, there was no argument to leave them out of the bargaining unit.

Council member Walsh emphasized that the city didn't have to make members of a bargaining unit civil servants. He said the employees already enjoyed entitlements of BCSA. Mr. Osborne said that every time there was a pay increment, unaffiliates received the same pay raise, so that's what was meant by followers. Council member Walsh clarified that it didn't codify anyone. And the

ordinance states they should change the pay scales in accordance with BCSA, but it doesn't say it should be the same pay raise. Mr. Osborne said that unaffiliates received everything BCSA received.

Attorney Anastasi explained that classified civil servants can only be removed for just cause, but once they are recognized as classified, there is no longer any argument to keep them out of a bargaining unit. And the only reason to keep them out is if they are in a super sensitive position where they could expose city secrets. He clarified that the language reads "salaries for city's unaffiliated servants".

Mr. Osborne stated they made sure that people in the BCSA unit...Council member Walsh interjected to say they couldn't have done it without council approval. Mr. Osborne referred to the unaffiliated salary scale per the updates approved on August 6, 2007. Council member Walsh disputed that it was ever approved. Mr. Osborne said he thought it was blessed by someone and he thought it should have been submitted to the city clerk. He further explained that the same salary ranges that were provided to the city clerk, were the same ones outlined in the ordinance.

Council member Walsh asked if every position was voted on by the city council; he stressed that the matter of salaries fell under unaffiliated employees. Mr. Osborne said the (33) employees had every right to belong to a union and if an agreement was reached between the city, and if an employee wants to, then it's a done deal. He said the only thing that supersedes a collective bargaining agreement is a court of law.

Council member Walsh said then they could move one position to another if they wanted to. Mr. Osborne said not necessarily. If the State Labor Board rules the opposite, then the employee is in. Council member Walsh asked if the state allowed a municipality to exclude a position due to the nature of the job for union membership. Attorney Anastasi said it could, but it's narrowly ruled. Council member Walsh countered that the Labor Board can't approve an ordinance. Mr. Osborne stated that when you talk about labor agreements, city council approval only comes into play as far as a contract is concerned. Council member Walsh said a contract is a contract that is approved by the city council and Mr. Osborne of Labor Relations entered into a labor agreement. But the contract isn't changed and any subsequent increases affiliated are approved by ordinance by the city council and any step increase recently took effect this year that the council approved under BCSA.

Council member Walsh questioned if anyone received a raise beyond 3%. Mr. Osborne said not that he was aware of. But it's 3% if that's what was agreed upon. They get the 3% based on the range of pay that was approved by the council, and per the Mayor, he pointed out those employees would have been approved.

Council member Walsh stated that 30-days notification was given before someone receives a 3% raise. He said that all Labor Relations is required to do is submit the request to the city clerk, but it doesn't give them the authority to actually give a raise. Mr. Osborne said the ranges of pay were blessed by the city council via the ordinance. Council member Walsh reiterated that didn't mean that raises should have been given out.

Attorney Anastasi read the text that outlined "that any pay raises outside of pay raises given, must be sent to the city council 30-days in advance. Council member Walsh requested that the city allow outside legal council to look into this matter. Attorney Anastasi said when the charter is changed, they could make the request then, but until then, he said he would submit his legal opinion on the matter.

Council member Curwen asked for clarification regarding his wife having been employed by the city for 16 years. He pointed out that her name was mentioned in the article regarding unaffiliated employees, even though the article was retracted. He asked if his wife was ever considered an unaffiliated employee. Mr. Osborne said not to his knowledge. He expressed that Mrs. Curwen is a member in good standing of the BCSA. Council member Curwen expressed that he took offense to the claim.

Council member Walsh commented that he already submitted a resolution, so they didn't need a legal opinion.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE VOTE IN
OPPOSITION (COUNCIL MEMBER WALSH)**

220-06 Proposed new ordinance concerning the elimination, control and prevention of lead hazards in the environment.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

221-06 Proposed amendment to Municipal Code, amend to add new Chapter 3.42 Bridgeport Living Wage Ordinance.

Council member McCarthy updated that Council member Rodgeron requested that this item be tabled.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE
** COUNCIL MEMBER SILVA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

ADJOURNED

**** COUNCIL MEMBER SILVA MOVED TO ADJOURN
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**CITY of BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARINGS
SEPTEMBER 4, 2007
6:00 P.M.**

Attendance: Council members: McCarthy, Walsh, Silva, Curwen,
Lyons

Co-chair McCarthy called the meeting to order at 6:29 p.m.

- 1) Proposed amendment to Municipal Code of Ordinances: Amend to add new Chapter 2.122 Animal Control Commission. (Item # 155-06)

The chair asked if there was anyone to speak in favor.

- Wendy Brown said she resided on Frenchtown Road. She stated that she was a volunteer with the Humane Society and she was in favor of the new animal shelter and the improvements suggested. She gave some background information about the Human Society that has been in existence for years. They sponsor pet adoptions and fundraising events. She expressed that Bridgeport would benefit greatly from the animal commission by bringing in revenue and it will also improve the life of animals in Bridgeport.
- Susan Waters said she resided on Lake Avenue, she said she was the president of the Bridgeport Humane Society. She explained that they retain supplies and help with pet adoptions. She was in favor of the animal commission due to there being too many animals and too little services, so she felt the commission would be viable and could provide volunteer monies along with people who make donations. They will also be a liaison to promote adoptions and spaying programs.
- Jodi Ferraro stated she was in favor of the animal control commission.
- Shannon Olton, 35 Garden Terrace stated she was in favor of the animal control commission.
- Steven Ferraro stated he was in favor of the animal control commission.
- Esther Mechler of Spay USA stated she was in favor of the animal control commission.

The chair asked if there was anyone to speak against.
Hearing none, the public hearing was closed

**** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING**
**** COUNCIL MEMBER SILVA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

- 2) Proposed amendment to Municipal Code of Ordinances: Chapter 2.110 City Records amend to add new section 2.110.140 Enterprise Geographic Information System (B EGIS). (Item # 166-06)

The chair asked if there was anyone to speak in favor.
The chair asked if there was anyone to speak against.
Hearing none, the public hearing was closed

**** COUNCIL MEMBER HOLLOWAY MOVED TO CLOSE THE PUBLIC HEARING**
**** COUNCIL MEMBER SILVA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

ADJOURNED

**** COUNCIL MEMBER SILVA MOVED TO ADJOURN**
**** COUNCIL MEMBER LYONS SECONDED**
**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

ORDINANCE COMMITTEE of the CITY COUNCIL
CITY OF BRIDGEPORT
TUESDAY - SEPTEMBER 25, 2007
6:00 P.M.

ATTENDANCE: COUNCIL MEMBERS: BONNEY, WALSH

ABSENT: COUNCIL MEMBERS: McCARTHY, HOLLOWAY, LYONS,
CURWEN, SILVA.

CITY ATTORNEY: MARK ANASTASI
ASSOCIATE CITY ATTORNEY: MELANIE HOWLETT

There was no quorum to conduct the meeting, so it was canceled at 6:45 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**BRIDGEPORT CITY COUNCIL
ORDINANCE COMMITTEE
SPECIAL MEETING
OCTOBER 4TH, 2007**

ATTENDANCE: Committee Members: Tom McCarthy, Chair; Robert Curwen; Warren Blunt; Carlos Silva; Robert Walsh; Richard Bonney

STAFF: Melanie J. Howlett, Assoc. City Atty.; Mark Anastasi, City Atty.

OTHERS: Richard Dietz, ASME Local 1522; Joseph Ambrosini, Local 665; Gail Solis, BRBC; Councilman Keith Rodgerson; State Rep. Charles D. Clemons, Jr.; Emeline Bravo-Blackwood, ACORN; Rachel Haymann; ACORN; Stacey Zimmerman, SEIU; Kim Vendryes, ACORN; Audrey Gaines, Director of Lead Poisoning Prevention Program; Dr. Marian Evans, MD, Director of Health & Social Services

CALL TO ORDER

The meeting was called to order at 6:17 p.m. by Mr. McCarthy.

Approval of Minutes August 28, 2007; Public Hearing September 4, 2007

**** MR. CURWEN MOVED TO APPROVE THE MINUTES FROM BOTH MEETINGS AS SUBMITTED.**

**** MS. LYONS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

229-06 Proposed resolution requesting the Tax Collector issue a moratorium and cease and desist the use of booting and towing of motor vehicles as a collection method.

Mr. Blunt said that he'd received many complaints from his constituents about the use of booting and towing of motor vehicles as a tax collection method. He said that there'd been an article in the paper about a couple who'd been out to lunch had their car towed by accident. Mr. Blunt said that the whole system needed to be reviewed, including the notification process. As he understood it, if one owed over \$100 one's car could be towed and there were officials out searching for cars whose owners owed more than \$100. He said he'd received complaints about people entering private property to seize cars, cars being towed while people were in line paying their taxes and people getting their cars towed despite having paid their taxes. Mr. Blunt said that he would be in favor of a 48 hour notification, raising the limit from \$100 to possibly \$500 or allowing quarterly payments. He believed that the majority of cases of tax delinquency had less to

do with being irresponsible and more to do with being behind a financial crunch. He said there needed to be a way to support those people that had financial difficulty so they could pay their obligations.

Mr. Walsh said that he agreed with this resolution and that he'd thought at first that this method of tax collection was a bit draconian. He said that it would be more reasonable to set different dollar limits for the types of measures that were taken and suggested getting information from the tax collector showing where the cars were being towed from to ensure that there was no type of selective enforcement. He added that once a car was towed, the cost of the tow would be added to the taxes owed and if the car was towed on a Friday the cost of at least two day's storage would also be added. He said that this could hurt Bridgeport's image if people started to avoid going to Bridgeport for lunch for fear of getting their car seized by accident.

Mr. Bonney said he'd received a complaint and was concerned that marshals were entering private property and seizing vehicles without due process.

Atty. Howlett said that this was perfectly legal and was enforced by marshals with tax warrants signed by judges.

Mr. Bonney asked if the marshal was obligated to notify a person that their vehicle would be towed.

Atty. Howlett answered that they were not and that a warrant meant the same thing for when someone was being arrested for a criminal matter as it did in the enforcement of civil penalties. She went on to say that she would submit her legal opinion to the City Clerk and the reason she hadn't done so already was that the version before the Committee was not the version that she'd originally seen. She said that it had been changed by her office to make it clear that the statute authority for this belonged to the tax collector. She said that this had been reworded as a request and she and Atty. Anastasi recommended that the Budget Committee follow up on this request to the Tax Assessor because it had a direct impact on the City's revenues but the power belonged to the tax collector, not to the Council to collect the money. She said that there'd been some confusion over police involvement in this and clarified that it had nothing to do with the Police Department. She said that the marshals were hired directly by the tax collector under the statutory authority of the Tax Collector and tax warrants were issued and signed by judges.

Mr. Curwen said that as Budget Committee Chair, he had some concerns about this but would be willing to support this if it had a time frame to it because the budget had been set for the year and large monetary amounts for outstanding motor vehicle taxes were included in it. He asked Mr. Blunt if he was willing to add a 45 or 60 day limit.

Mr. Blunt said that 60 days was reasonable and added that he wanted the whole system reviewed because it was not just the process of going in and seizing automobiles that

bothered him, but also making people standing in long lines to pay these taxes with no consideration to the elderly or disabled.

Atty. Howlett suggested that in the paragraph beginning with “Be it resolved” between the word “implemented” and the semicolon the following be inserted: “but said moratorium would not exceed 60 days from the effective date of this resolution”.

Mr. McCarthy suggested that it should be 60 days from the time that the tax collector granted the moratorium.

Atty. Howlett agreed and changed the language to “...from the effective date of the moratorium”

Mr. Curwen asked if the City was contractually obligated to the marshal systems or the boot systems.

Atty. Howlett said there was no such obligation. She said that there was a contract for locating people who were delinquent on their taxes but that contract would not be affected by this.

**** MR. CURWEN MOVED TO AMEND RESOLUTION 229-06 TO ADD
“BUT SAID MORATORIUM WOULD NOT EXCEED 60 DAYS FROM
THE EFFECTIVE DATE OF THE MORATORIUM”.**

**** MR. SILVA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

**** MR. WALSH MOVED TO APPROVE RESOLUTION 229-06 AS
AMENDED.**

**** MR. SILVA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

**221-06 Proposed amendment to Municipal Code, amend to add new Chapter
3.42 Bridgeport Living Wage Ordinance.**

Mr. Rodgerson said that an identical Living Wage Ordinance had been passed in Norwalk and that Hartford and New Haven had passed similar ordinances. He explained that it essentially defined a living wage standard for municipally funded projects and projects in receipt of tax breaks from the city of Bridgeport or other incentives and it guaranteed that the lowest bracket of labor on those jobs received a wage which was sufficient to feed a family of four. He said that while the City had passed a minority business enterprise ordinance with the intention of getting more work into the hands of minority laborers in the City of Bridgeport, there was no guarantee that the wages that they would receive would be sufficient. Mr. Rodgerson said that by passing this ordinance, Bridgeport would be joining the other larger cities in Connecticut in seeing to it that its residents who worked jobs that the City subsidized were not taken advantage of.

Mr. McCarthy noted that OPM Director Tom Sherwood had e-mailed him to say that he would not be available for this meeting, but that the mayor had asked him to do an analysis of this and his analysis was not complete.

Mr. Curwen asked what the impact to the City would be.

Atty. Howlett said that Atty. Anastasi would be an attendance shortly and he could talk about the legal impact but the dollar impact was what Mr. Sherwood had been charged with determining.

Mr. Rodgerson used Evergreen Builders as an example of how developers in the City would be affected by this ordinance. He said that they paid their employees \$10 per hour with no health benefits but under this ordinance they would have to pay \$11 per hour plus benefits or \$14 per hour without benefits.

Atty. Howlett asked how that measured up against the federal law.

Mr. Rodgerson said that the ordinance went above and beyond what the federal law mandated but was not in conflict with the federal law. He said that there was a moral issue here. He said that the City was giving tax breaks to developers whose CEOs were making millions of dollars per year and the idea of giving incentives to developers who have laborers making \$8- \$10 an hour was morally offensive. Mr. Rodgerson said in regard to the economic impact that the unfortunate circumstance of the working poor in the City was that their money would be put back into local economy as they had no ability to save it or spend it elsewhere.

Mr. McCarthy asked if Mr. Rodgerson knew what 115% of the poverty threshold was.

Mr. Rodgerson answered that it was approximately \$11 per hour.

Mr. McCarthy asked Mr. Rodgerson to explain the health benefit portion of this where it said that if health benefits were provided, the employee could not be required to pay more than 33%.

Mr. Rodgerson read from the ordinance, "Health benefits means comprehensive family medical coverage, which does not require the employee to contribute more than 33% of his or her annual wages towards the payment of the health insurance premiums and deductibles." He explained that this meant that if the amount that the employee had to pay for health insurance was outrageous that it wouldn't be counted as coverage under this ordinance.

Mr. McCarthy said that that seemed to refer to 33% of the premium and didn't talk about the level of healthcare that should be provided.

Mr. Rodgerson said that that was true and that a lot of places had very minimal health insurance options or coverage but for that to be dictated in the context of this ordinance would be unreasonable.

Atty. Anastasi entered at 6:40 p.m.

Atty. Howlett said that she could see the basis under which once this was adopted a contract could be cancelled with an employer but that it seemed that by the passage of this ordinance, the City was setting itself up to become a labor board. She said she didn't think there was anything in the Connecticut Statutes that would allow the City to enforce this ordinance.

Mr. McCarthy asked Atty. Anastasi if he had a legal opinion on this resolution.

Atty. Anastasi said that he did not have one typed up with him but that he saw no legal impediments to this ordinance but that he hadn't heard back from Norwalk as to the ramifications and the impact of it there. He said that he'd been told that Nancy Hadley of OPED would be in attendance and she'd been asked by the Mayor's office to provide an external financial impact report while Mr. Sherwood had been asked to prepare and internal financial impact report. He said that at some point during a public hearing process the Council would probably hear from the business community and the labor community because this was something that impacted the citizenry from top to bottom. He said that he hadn't had the benefit of discussing this with Atty. Howlett so there may have been some legitimate legal issues that he'd missed but he was not holding up this ordinance on the basis of legal problems. He said that he was aware that this had been implemented in other communities but that it was still in the best interests of the City to review it. He urged the Committee to examine the internal and external financial implications of this ordinance before acting on it.

Mr. McCarthy said that he didn't see how this would impact Bridgeport's employees as they were all already making at least \$11 per hour with benefits.

Atty. Anastasi said that he wasn't as concerned about the impact on the City's employees as he was about the value the City would get for the money they spent to the extent that the City was engaged in activities that artificially but perhaps legitimately elevated the price that was paid for labor that impacted the dollar purchasing power of the City. He clarified that when he'd referred to the internal impact of the ordinance, he was not talking about the City's workforce but rather when the City spent grant money.

Mr. McCarthy asked if it was correct that Norwalk had adopted this resolution in the previous year and that it was still in effect.

Mr. Rodgerson answered in the affirmative.

Mr. Curwen agreed that this would not affect any City employees per se but could impact of some of the school construction projects. He said that City was currently dealing with

over \$100 million in labor projects and he was concerned about having to go back out to bond for higher costs because of the change in the living versus prevailing wage. He said that there was already a bonding problem and he found it difficult to support this ordinance without having viewed the financial impact studies.

Mr. McCarthy asked what the interpretation was of “contracting party pursuant or service contract entered into”.

Atty. Anastasi said that it referred to third parties hired by the City to perform services.

Mr. Rodgerson said that the largest impact was going to be on the employers who paid the least to laborers. He said that if an employer paid nine dollars per hour without health benefits to a laborer who lived in the City of Bridgeport and that laborer was hurt on the job, the laborer would then become a strain on the government. He hoped that this would not add to the bottom line of developments such as Steel Point as he hoped that those developers would already pay their employees \$11 per hour with health benefits.

Ms. Lyons said that as a union member herself she was in favor of the living wage ordinance but wanted to hear from a union representative on this topic.

Mr. Dietz spoke on behalf of the labor movement and was in favor of the Living Wage Ordinance. He said that this would uplift people from the bottom up and add to the standard of living. He added that it would decrease total health care costs across the board and was philosophically and morally the correct thing to do. He urged the Committee to pass the ordinance, adding that it had worked in other places in Connecticut, as well as other areas of the Country.

Atty. Anastasi asked if there been any effort to pass a statewide Living Wage Ordinance.

Mr. Dietz said that a statewide ordinance would be very difficult because Bridgeport could be compared to Hartford and New Haven and to some extent Waterbury, Norwalk and Stamford but not to places like Coventry or Winsted. He said that there'd been some discussion of a living wage ordinance at the state level but he didn't think it could be done at this time.

Mr. Curwen asked Mr. Dietz if he had any statistics available on financial impact of this ordinance in other places.

Mr. Dietz said that he could probably get those statistics but that the impact would vary by municipality.

Atty. Howlett said that she and Atty. Anastasi could work on the parts of the ordinance which talked about complaint proceedings and penalties because if there were penalties in the ordinance an appeal process would be required.

Atty. Anastasi suggested that language be added to the ordinance that dictated that penalties be added to any contract entered into under this ordinance instead of having those penalties dictated in the ordinance itself.

Mr. Silva asked if it would cause a problem to have union laborers and nonunion laborers on the same project making the same wages.

Mr. Curwen said that most unions would be paying more than is required in this ordinance.

Dr. Evans asked how this would affect grants and people hired using money from grants.

Mr. McCarthy said that there were several exceptions in the ordinance including service contracts of less than \$25,000, nonprofit organizations and interlocal cooperation between the City of Bridgeport and other government entities and that would probably exclude many of the people hired using grant money.

Mr. Walsh said the first amendment he wanted to make was on page 1 under definitions, section B.3 where it said, "Any interlocal cooperation agreement between the City of Bridgeport and other governmental entities or any contracts where the City of Bridgeport is joined with other municipalities in a regional or collaborative effort to contract primary concerns of providing municipal services". He said that this was a huge exception and wanted that language to be stricken.

Atty. Anastasi said that language was included because other communities would not sign on an agreement that inflated pay unless their local law required it.

Mr. Walsh said that he wouldn't want to enter into an agreement with another municipality who was not paying their laborers at least \$11 per hour with benefits and was afraid that language like this would encourage interlocal agreements as a way of subverting the ordinance.

Atty. Anastasi said that this type of an ordinance probably had greater traction in large urban areas than it did in surrounding suburban communities. He added that it was virtually impossible to adopt a living wage ordinance that attempted to gear itself towards the specifics of the employee and pointed out that this ordinance was predicated upon a family of four. He said that there were employees who had families of eight and employees who were single so this was an attempt to legislate in an imperfect world from beginning to end because it was setting a salary that was not based on the living conditions and financial burdens of the individual employee.

Mr. Rodgers said they were all aware that \$11 per hour for a single person in Fairfield County was insufficient and that perhaps he should have called this the "Barely Living Wage Ordinance".

Mr. McCarthy asked Atty. Anastasi to give examples of current interlocal collaborative efforts that may be affected by this ordinance.

Atty. Anastasi said that he believed that the City had just entered into an agreement regarding the new CAD system for police, fire and EMS that would service the region but he didn't know whether the wages paid to the laborers in that operation would be impacted by this ordinance.

Mr. Walsh said that his second amendment was on page 2, section D.1, Charitable Foundations. He said that the language exempted charitable foundations from being covered employers and he wanted to add language that would include charitable foundations, charitable trusts, nonprofit agencies and nonprofit corporations for contracts less than \$50,000 instead of the current threshold \$25,000. Mr. Walsh said that his third amendment was to add language to the ordinance that said "It is not the intent of this ordinance to supersede or to replace any of the prevailing wage rate language contained in section 3.08.120 of the code of ordinances. If in any instance this language comes into conflict with the prevailing wage language it is the intent of this ordinance to provide for the highest wage rate to the individual." Mr. Walsh then went on to explain the fourth amendment as a Labor Peace Agreement submitted by SCIU that would be added as 3.42.11. He distributed copies of the document to the Committee, saying that he'd made some minor changes to it in an attempt to make it fit better with the Living Wage Ordinance, including changing all instances of "the hotel" to "any hotel" and the instances of "the Development" in the 3rd to 4th line of paragraph A and in the third line of paragraph B to "any development covered under this ordinance".

**** MR. CURWEN MOVED TO APPROVE MR. WALSH'S FIRST AMENDMENT TO DELETE ITEM B.3 ON PAGE ONE OF THE ORDINANCE.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED WITH ONE OPPOSED: RICHARD BONNEY.**

**** MR. CURWEN MOVED TO APPROVE MR. WALSH'S SECOND AMENDMENT TO ADD A \$50,000 THRESHOLD FOR CONTRACTS FOR NONPROFIT OR CHARITABLE ORGANIZATIONS.**

**** MR. WALSH SECONDED.**

Mr. McCarthy asked if a 3rd party organization who donated more than \$50,000 for a charitable social service administered by a non-profit or charitable organization within the City would be bound by this ordinance.

Mr. Walsh said it would not because the ordinance only covered city employees and service contracts that the City of Bridgeport entered into.

Atty. Anastasi asked if it also covered organizations that received CDBG funds under "Any entity that receives substantial compensation by reason of a contract with the city to provide items or services."

Mr. McCarthy answered that it would, provided that organization had 25 or more employees.

**** MOTION PASSED WITH ONE ABSTENSION: CARLOS SILVA.**

**** MR. BONNEY MOVED TO APPROVE MR. WALSH'S THIRD AMENDMENT TO ADD THE FOLLOWING LANGUAGE: "IT IS NOT THE INTENT OF THIS ORDINANCE TO SUPERSEDE OR TO REPLACE ANY OF THE PREVAILING WAGE RATE LANGUAGE CONTAINED IN SECTION 3.08.120 OF THE CODE OF ORDINANCES. IF IN ANY INSTANCE THIS LANGUAGE COMES INTO CONFLICT WITH THE PREVAILING WAGE LANGUAGE. IT IS THE INTENT OF THIS ORDINANCE TO PROVIDE FOR THE HIGHEST WAGE RATE TO THE INDIVIDUAL".**

**** MS. LYONS SECONDED.**

**** MOTION PASSED WITH ONE OPPOSED: RICHARD BONNEY.**

Mr. Zimmerman explained the Labor Peace Agreement to the Committee. He said it would give the employer the knowledge that they would not face any labor dispute or strike and it would give workers the ability to organize without any harassment from the employer. He explained that it didn't dictate the terms of a contract but that it gave the union the ability to be recognized by the employer if they signed up 51% of the workers.

Mr. Curwen asked how this would affect nonprofits and PLA's.

Mr. McCarthy said that they would be affected the same as other organizations.

Atty. Anastasi said that language should be added to this ordinance to clarify that organizations in receipt of CDBG funds would be covered by it.

**** MR. WALSH MOVED TO APPROVE THE LABOR PEACE AMENDMENT INCLUDING THE AFOREMENTIONED CHANGES.**

**** MR. BONNEY SECONDED.**

Mr. Curwen suggested that an effective date of six months after the effective date of the ordinance be added to the Labor Peace Agreement and his suggestion was accepted as a friendly amendment.

**** MOTION PASSED UNANIMOUSLY.**

Mr. Curwen suggested that an effective date be added to the ordinance of six months after the effective date of the passage of the ordinance.

Atty. Anastasi suggested that the effective date be 6 months after publication of the ordinance so that the public would have notice.

**** MS. LYONS MOVED TO AMEND THE ORDINANCE TO INCLUDE AN EFFECTIVE DATE OF SIX MONTHS AFTER THE PUBLICATION OF THE ORDINANCE.**

**** MR. CURWEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. WALSH MOVED TO APPROVE ITEM 221-06 AS AMENDED CONTINGENT ON A PUBLIC HEARING TO BE HELD PRIOR TO THE NEXT BRIDGEPORT CITY COUNCIL MEETING.**

**** MR. BONNEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

220-06 Proposed new ordinance concerning the elimination, control and prevention of lead hazards in the environment

Ms. Gaines and Dr. Evans reviewed Communication #220-06 which had been provided to each Committee Member, explaining that this ordinance would allow their services to be revenue generating and self-sufficient.

Mr. McCarthy said that a legal opinion would have to be submitted before this item could be acted upon by the full Council.

Mr. Curwen asked Ms. Gaines if she would be increasing her staff.

Ms. Gaines answered that two inspectors and a clerical person would eventually be hired and paid with revenue generated by this program, but not immediately.

Ms. Lyons expressed her support for this ordinance and its intent to protect the children of the City.

Mr. McCarthy said that Sabine Kuczo of the Bridgeport Lead Free Families Program had sent an email saying that she was unable to attend this meeting but was in full support of this ordinance. He went on to say that this ordinance was not in proper form, and he was not sure if the language was entirely legal.

**** MR. CURWEN MOVED TO TABLE ITEM 220-06 PENDING REVIEW BY THE CITY ATTORNEY'S OFFICE.**

**** MR. WALSH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

70-06 Proposed amendment to Municipal Code, Chapter 8.90 Regulation of the Marketing of Tobacco Products to Children, amend Section 8.90.020 Purpose of chapter.

Mr. Curwen asked if there was a legal opinion provided on this ordinance.

Mr. McCarthy answered that he hadn't seen one.

**** MR. CURWEN MOVED TO TABLE ITEM 70-06.
** MS. LYONS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

72-06 Proposal to request reports from Police and Zoning Departments concerning illegal placement of signage.

Mr. McCarthy said that a legal opinion had been submitted saying that ordinance 72-06 could not be enforced.

Mr. Bonney said that signs on utility poles were already illegal and it was up to the utility companies to remove those signs.

**** MR. CURWEN MOVED TO DENY ITEM 72-06.
** MR. BONNEY SECONDED.
** MOTION PASSED UNANIMOUSLY.**

238-06 Proposed amendment to Municipal Code, amend to add new Chapter 13.10 The City of Bridgeport Energy Improvement District and Energy Improvement District Board.

Mr. McCarthy reported that Atty. Howlett requested that item 238-06 be tabled.

**** MR. CURWEN MOVED TO TABLE ITEM 236-06.
** MS. LYONS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MS. LYONS MOVED TO ADJOURN.
** MR. BONNEY SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Jessica Schroder
Telesco Secretarial Services

ORDINANCE COMMITTEE of the CITY COUNCIL
CITY OF BRIDGEPORT
MONDAY - OCTOBER 15, 2007
6:00 P.M.

ATTENDANCE: Council members: McCarthy, Walsh, Silva, Curwen, Bonney

Council member McCarthy called the meeting to order at 6:07 p.m.

Proposed amendment to Municipal Code of Ordinances: Amend to add new Chapter 3.42 Bridgeport Living Wage Ordinance. (Item # 221-06)

The chairman asked if there was anyone to speak in favor

- **Jeff Kohut , 30 Woodlawn Circle** stated he was a lifelong Bridgeport resident. He said he hoped the ordinance was passed by the full city council. He mentioned that it was a timely ordinance, considering that developers are going to spend so much money on unique attractions, so they can certainly afford to pay the living wage that should apply to Bridgeport residents only. He further noted that too many people were working for slave wages and because of the costs in Fairfield County to live, they still had third world wages. So he felt it was small step the city could take in terms of bettering the condition of many long suffering workers. In the long run, it will put money in the pockets of those who can invest and gain an economic level. Overall, he didn't really think it was that much to ask and it was modest, but it will serve as an investment in the city and it will also benefit businesses.
- **James Jenkins, of Hartford CT** stated he was here to speak on behalf of SEIU Local-71. He mentioned the living wage ordinance due to the fact that he was a school bus driver and he fought for the wage because he is a city employee. He expressed that he now owns a home at the same salary he was making before he owned it and he pays taxes. And although he is making more now, he is also being taxed more. He spoke about giving city jobs to private companies that ends up cutting a person's salary, so increasing the wage will encourage a boost in the economy. He further relayed that he worked a 40-hour week and he now feels like he receives full time pay. So the effect of the living wage will take a lot of burden off state assistance, subsidized housing, medical assistance etc., because if the wage is passed, people will now have more to take care of their families without assistance. He ended in saying it was a big step that will affect all of us.
- **Stacey Zimmerman, 22 Bankside Trail, Sandy Hook, CT** stated she was present on behalf of the SEIU CT State Council. She expressed that SEIU was a strong supporter of the living wage, but believed that the ordinance needed some redrafting. She stated that Bridgeport had the opportunity to join other communities that put their money where their mouth is and it's the right thing to do for people. She further noted that it was crucial to demand those who contract with the city compensate their employees at a rate that will enable them to feed their families and see a doctor when needed and address other needs that we take for granted. She went on to say that many studies have been done over the past years for municipalities that have passed the ordinance and not one cites job loss,

cost burdens or other negative consequences. - *she presented her testimony into the record.*

- **Kim Groadries, 176 Bunnell Street** stated she worked with ACORN. She stated that the living wage issue concerned a family value and people deserve to live above the poverty line. She expressed that the city should not pay poverty wages and tax dollars shouldn't translate into that. She emphasized that it wasn't acceptable that people work hard to make ends meet and she urged the city council to make the ordinance one that worked to keep a person's dignity intact.
- **Joe Aembejere , Labor International Union- Local 665** stated he was a taxpayer and a dues paying member of local 665. he said he was distraught about the Steel Point project...Council member McCarthy interjected to ask him to keep his comments germane to the topic of living wage. It was clarified that the speaker was present to speak during the city council public speaking session regarding that topic.
- **John Soltas, 93 Ellsworth Street** stated he was a Bridgeport employee and a resident. He expressed that the living wage was the right thing to do. He pointed out that if Bridgeport had the lowest paying people, then they were doing something wrong. He urged them to continue the tradition of upholding residents, and stressed that if people couldn't afford to support their family, that wasn't a good thing. He urged passing the ordinance.
- **Denise Anderson, 361 Barnum Avenue** said she was in support of the living wage, even though the dollar amount was till low to live in this area. She pointed out that for families with kids, a person would need to make between \$17.00 to \$18.00 per hour, but it's necessary to sustain the community at large. She said it behooved us all who work and reap the benefits of the services other people work at. She further spoke about the issue of parents having to work two jobs that impacts families with kids, because they won't be home and kids are then left alone that could result in some negative effects. She urged support of the ordinance and emphasized that the matter was bigger than the dollar amount, she stressed we owed it to our children to give them a better quality of life.
- **Mr. Geraldo Diaz, 392 Park Street** said he has been a resident of Bridgeport for 30 years. He said he proud about outside companies looking to develop in Bridgeport and he expressed that if they wanted the best of Bridgeport people, then they should pay them right. He noted that he worked two jobs and still can't make ends meet due to many other expenses that he has to handle, such as healthcare. He mentioned that Bridgeport was a fertile town and he said he would rather live here than anywhere else.

The chairman asked if there was anyone to speak against

- **Nancy Hadley, Director, Office of Planning and Economic Development** requested that the ordinance be tabled. - *a copy of her comments are below:*

I respectfully request that the proposed Bridgeport Living Wage Ordinance be tabled and referred to a working group convened by Chief Administrative Officer Feeney to include but not limited to the Office of Planning and Economic Development (OPED), Office of Policy and Management (OPM), City Attorney, Finance Department, Office of Legislative Services (OLS), the City's new minority business enterprise consultant, Rufus Wells, Bridgeport Economic Resource Center (BERC), Bridgeport Regional Business

Council (BRBC) and Labor Union Council representation from the construction and service trades. This working group should accomplish the following:

1. Gather all of the Living Wage and Peace Agreement Ordinances and resultant impact studies or other such analyses on the opportunities and constraints of implementing such language.
2. Conduct direct meetings with the City of Hartford, whose similar ordinance took two years to develop; City of New Haven, a process that took over one year; and Norwalk, from which I am told the proposed language is derived, that took over 6 months to develop.
3. Understand as fully as possible the jobs funnel, minority subcontractor support infrastructure, and skills training at the high school, technical school, and post graduate level that must be in place for such ordinance language to be successful.
4. Evaluate the impact on all of the tax incentive programs that eligible companies in Bridgeport can participate. In this regard. Bridgeport is fortunate yet unique.
5. Develop recommendations on the administrative infrastructure that would be necessary to successfully implement such an effort.

Since this language was introduced on September 25 my office has been inundated with calls for OPED analysis and concern that OPED has developed this language. I want to make it clear that as of today OPED did not develop this language. All OPED has been able to do is start on Item 1, the basic research gathering. Through the efforts of the Office of Legislative Services, and BEREC, we are starting to assemble the relevant research. We have to be diligent in this effort and thoughtful in our analysis.

OPED has promised the development and investment community that we would be methodical, fair, and transparent. We would not act in haste. I respectfully request that you table this item.

- **Jim Carbone** stated he agreed with Nancy Hadley on the living wage issue. He also requested that the item be tabled due to needing more study. He said he served on the west end community development council and the reason for this concern was about Bridgeport. He shared that his grandfather moved here during the 1900's and when he was asked why he made that move, he told people it was where the jobs were. But his concern was that they would end up hurting people instead of helping them. He was afraid that developers will skip this town and go elsewhere with projects. So he felt they needed to carefully reconsider the matter.
- **Bob Trefrly** said he was a member of the **Bridgeport Regional Business Council** and the **Bridgeport Chamber of Commerce**. He urged the committee to table the item until an economic impact study could be done to gauge the effects the ordinance will have on the city and developers. He said it was also time to look at the language and how it might affect one developer to another. He felt they needed to determine the effects to the city before moving forward.
- **Chuck Firlotte** said he was a member of the **Bridgeport Regional Business Council**. He agreed that the item should be tabled and he said he also agreed with the article in the CT Post that additional information was needed, because it could hurt the

very people it's intended to assist. He felt that further information was needed and waiting for it was the prudent thing to do.

- **Kevin Nunn, President of the Bridgeport Economic Resource Center** said he was neither an opponent or a proponent of the living wage, although he did feel they needed more information and changes to the text needed to be considered. – *he read the following statement into the record.*
-

I firmly believe that we need an analysis of the proposed ordinance in order to understand its impacts on the city and more importantly, the large number of low educated and low skilled residents that are looking for work in Bridgeport.

At the outset I would like to point out that the bill might need to be amended to address the correct citation to the poverty index to be utilized for establishing the minimum wage. The proposed ordinance would fix the living wage to ‘ 115% of the poverty threshold for a family of four, as published annually in the Federal Register by the U.S. Department of Health and Human Service’. However the Department of Health and Human Services does not publish the Poverty Thresholds, the U.S. Census does. The Department of Health publishes the Poverty Guidelines and I think this is the reference that was intended. Note there are some small differences between the Poverty Guidelines — I have attached both to my testimony.

Assuming the correct reference was the Poverty Guidelines, the proposed ordinance would establish a Living Wage of \$1 1.42 an hour if health benefits were being paid and \$14.42 an hour if employers had to pay the additional wages in lieu of health benefits. These wages are not only higher than the minimum wages of all 50 states (The state of Washington has the highest minimum wage of \$7.93 an hour) but are also 49% and 88% above Connecticut’s current minimum wage of \$7.65 an hour. The last time the Federal Government raised the minimum wage it was increased by 22% or 90 cents. As you are aware, there is considerable discourse that takes place among economists concerning the effect of minimum wage increases on employment (particularly employment of low skilled workers and teenagers) each and every time the nation’s minimum wage is increased by a few cents. The increase proposed in the current ordinance is considerably higher than any minimum wage increase ever enacted by the Federal Government. Clearly, we would be wise to understand potential impacts before proceeding.

In the limited time that I had to examine this matter, I came across two studies that differ significantly concerning impacts. The first report titled *The Economic Impact of Living Wage Ordinances: a Review of the Evidence*, January, 23, 2004 by Mark D. Brenner of the Political Economy Research Institute of the University of Massachusetts; Amherst suggests that Living Wage Ordinances have minimum impacts. That study reports modest cost increases for most employers and negligible impacts on city budgets. However, the same report does note that “for a small subset of employers the potential cost increases can be significant”. These employers were identified as restaurants and hotels. This would appear to indicate that increased wages on top of the Labor Peace language could significantly impact the ability to site another hotel within the city.

A May 2006 report by the Employment Policies Institute of Washington D.C. titled *The Effect of Minimum Wage Increases on Retail and Small Business Employment*, Joseph J. Sabia, University of Georgia suggests that nationally, even small increases in the minimum wage can have significant impacts on employment particularly employment of low skilled workers. This report found that a 10% increase in the minimum wage is associated with a .9 to 1.1 percent decline in retail employment and a .8 to 1.2 percent decline in small business employment. In this report small business were defined as businesses with 100 or fewer employees. It is significant to note the proposed Living Wage Ordinance raises wages not by 10% but by 49% if health benefits were being paid and 88% if firms had to pay additional benefits in lieu of providing health coverage.

Clearly, the proposed ordinance recognizes that the bill could have negative impacts on small businesses. I assume this is why businesses with less than 25 employees are exempt from the proposed legislation. While this exemption is laudable it begets two questions (1) what are the impacts on medium sized and large businesses and (2) has the correct definition of a small business been employed. The Federal Government, more specifically the Small Business Administration, has developed a definition of small businesses by industry. The standards employed by the SBA ranged from 100 employees for some industries to 1,500 employees for others. Additionally, for some industries the SBA defines small business by sales volume and not number of employees.

Since 1998, BEREC has worked with hundreds of businesses, investors and developers seeking to undertake a project in Bridgeport. A number of these businesses and investors have sought incentives to overcome the high costs of doing business in our region including some of the highest costs for energy, labor and taxes in the nation. In each instance, city staff has considered whether any of the existing as-of-right programs could provide the requested relief and if not what could be negotiated given the amount requested and potential project benefits. This appears to be a sound approach. The proposed legislation looks like it lead to higher requests for tax forgiveness to offset the increased labor costs triggered by the ordinance

Section 3.42.090 of the ordinance looks like it may need to be revised to provide that where counsel renders an opinion that the application of the ordinance to a particular contract or tax benefit would violate specific state or federal, statutory, regulatory, or constitutional provision or provisions said service contract or tax benefit shall be deemed exempted from the ordinance. As currently worded the Ordinance Committee of the Council would have to approve the exemption notwithstanding the potential violation of state or federal law.

The Labor Peace Provisions of the Ordinance should be deleted as this would, in our opinion discourage any additional hotels from locating within the city's boundaries. A 2006 report prepared by PFK Hospitality Research titled, *Trends in the Hotel Industry* notes that labor costs account for 44.6 percent of hotel operating costs and that any trend or issue that could potentially impact labor costs would be taken seriously by hotel owners and managers. Union contract negotiations were specifically cited as one of the trends that are of concern. The report noted that the majority of jobs in the typical hotel are filled by hourly rate workers and that their cost is a direct function of the volume of business. Hotel managers seek to match these costs directly to business volume and fear union contracts would inhibit their ability to manage this significant expense.

In summation, we believe that the economic impacts of the proposed ordinance need to be carefully examined — particularly within the Bridgeport context. By this I mean, while there is a lot of development activity beginning to take shape within the city, most of this activity has required city assistance to overcome the hurdles I previously identified. Bridgeport is still a weak market city. Our rents and sales prices for residential, commercial and retail space lag behind those of Norwalk, Stamford or competitive communities in Westchester County including White Plains and New Rochelle. We need to be careful that we do not erect barriers at a time when our potential is just being discovered. Rather we should do all that we can to make it easier for investors, developers and businesses to take on projects within the city. In the long run, this will create a robust economy that will lift economic conditions for everyone in Bridgeport. We must also remember that we are part of a regional economy. If there are municipalities and towns within our market area that do not have such requirements they will be viewed as a more attractive location for businesses than Bridgeport.

At the very least we need to be certain that any requirement that we put in place does not increase the cost of doing business in Bridgeport and/or hurt opportunities for employing thousands of Bridgeport residents that have low levels of education and/or skills. Our goal should be to get these individuals into the workplace where they can begin to develop a resume and a career.

Thank you for this opportunity to speak.

- **David Levine of Cohen and Wolf** said he was the Chairman of the Downtown Special Services District and a member of the Bridgeport Regional Business Council. He requested that the item be tabled for the following reasons:
 1. He believed the ordinance needed more research and study to determine the impact.
 2. He noted that he has watched businesses migrate out of Bridgeport and he believed that becoming a more favorable city with job creation was the first priority, and the very jobs they were looking to create will result in prosperity, but they first need to bring jobs to the city and show the developers that people are investing their time.
 - **Ernest Trefz** stated he believed the living wage needed more study, since it was so important. He noted that his family has worked in Bridgeport for many years and he owns the only hotel in town and they struggle to keep it alive. He had a concern of throwing a barrier out there for potential investors that may be interested in coming to Bridgeport. He felt they should encourage developers first, because there are too many plans that have gone astray. He suggested that they postpone making any decision.
 - **Larry Ciacci** stated he was a member of the Bridgeport Chamber of Commerce. He urged deferring a decision, noting that although he wasn't necessarily against the ordinance, he felt it needed further study to determine how it will impact a lot of people.
 - **Mike Garrett** said he was a lifetime resident of Bridgeport. He expressed that they stand at the threshold of a new city and Steel Point could be an oasis of providing thousands of jobs. He thought it was viable for the city if the city council

moved forward, noting that the minimum wage would be increased from \$7.25 per hour to \$11.00 per hour that will have to be paid by any employer. He quoted the following to drive home his point that *“from each according to his ability, from each according to his need”!* He asked that they remove the obstacles that could stop a vision to move the city forward.

- **Kris Lorch** stated she was a business owner in the city. She said she wasn't opposed to the living wage, but she was opposed to the peace labor agreement that doesn't exempt all non-for-profit and charitable organizations like other municipalities do. She agreed the matter needed further study.
- **Council member Curran** stated she would speak as a city council colleague. She thought the ordinance needed more due diligence, because not knowing how the ordinance will stand up next to other cities could have an impact. She said it was difficult to approve the ordinance without an impact study being done and they shouldn't assume that the success it has had in other cities will work for Bridgeport. She spoke about the importance of remaining competitive to stimulate future development and she had a concern about development becoming more expensive to the city wherein this would leave many developers discouraged. She requested that they table the matter to fully explore the ramifications of the its impact before it's passed.
- **Council member Walsh** clarified that the living wage ordinance only applied to companies with more than twenty-five (25) employees who have service contracts with the city in excess of \$25k per year. He introduced some briefing paperwork into the record that consisted of: a detailed survey of the living wage law. – *he read the information highlighted regarding the matter. He submitted other publications pertaining to economic policy and the living wage law.* He noted there were 71 towns that have implemented legislation for living wage and he emphasized that for the city to be surprised that this type of legislation has been considered was baffling to him, noting that it should have been considered sooner. He further highlighted the impact of the living wage for the cities of Detroit and New York City and he pointed out that the ordinance denoted how a family can improve with a living wage – *he read the information into the record.* He also referred to how the private sector will be affected and he read a quote from Michael Bloomberg dated November 8, 2001, who noted that no one ever made a business decision based on the tax code.
- A member of the public stated that the living wage was a huge issue and would have an impact. It was felt that the matter should be tabled and there was disappointment that the matter came before the public before the Steel Point project has been resolved.
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- ** COUNCIL MEMBER CURWEN MOVED TO CLOSE THE PUBLIC HEARING
- ** COUNCIL MEMBER WALSH SECONDED
- ** MOTION PASSED UNANIMOUSLY

The public hearing was closed at 6:59 p.m.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services

**BRIDGEPORT CITY COUNCIL
ORDINANCE COMMITTEE
OCTOBER 23RD, 2007**

ATTENDANCE: Committee Members: Tom McCarthy, Chair; Robert Walsh; Richard Bonney; Carlos Silva; James Holloway; Tom Mulligan; Michele Lyons (6:20 p.m.); Robert Curwen (6:20 p.m.)

STAFF: Melanie J. Howlett, Assoc. City Atty.; Michael Feeney, Chief Administrative Officer; Lawrence Osborne, Labor Relations; Ralph Jacobs, Civil Service

OTHERS: John Marsilio, Aquarion Water Co.; Gail Solis, BRBC/BCC; Janice Martin, BRBC; Kevin Nunn, BERB; Lubna Shamsi, Bridgeport Hospital; Bob Trefry, Bridgeport Hospital/BRBC; Ron Bianchi, St. Vincent's Hospital; Councilman Keith Rodgerson; Senator Ed Gomes (6:45 p.m.)

CALL TO ORDER

The meeting was called to order at 6:17 p.m. by Mr. McCarthy.

**Approval of Minutes Special Meeting October 4, 2007, Public Hearing
October 15, 2007**

**** MR. BONNEY MOVED TO APPROVE THE MINUTES OF THE OCT. 4TH, 2007 SPECIAL MEETING AS SUBMITTED.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. SILVA MOVED TO APPROVE THE MINUTES OF THE OCT. 15TH, 2007 PUBLIC HEARING AS SUBMITTED.**

**** MR. BONNEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

107-05 Proposed amendment to Municipal Code, Chapter 10.12, amend Section 10.12.010 Restriction on stopping or parking generally - Violations Penalties Exemptions.

**** MR. HOLLOWAY MOVED TO TABLE ITEM 107-05.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

70-06 **Proposed amendment to Municipal Code, Chapter 8.90 Regulation of the Marketing of Tobacco Products to Children, amend Section 8.90.020 Purpose of chapter.**

**** MR. SILVA MOVED TO TABLE ITEM 70-06.**
**** MR. HOLLOWAY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

199-06 **Proposed additional refinements to Minority Business Ordinance, amend Section 3.12.130 Minority Business Enterprise Program.**

**** MR. HOLLOWAY MOVED TO TABLE ITEM 199-06.**
**** MR. SILVA SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

Mr. Walsh arrived at 6:20 p.m.

219-06 **Resolution concerning irregularities with Civil Service Commission.**

**** MR. SILVA MOVED TO TABLE ITEM 219-06.**
**** MR. HOLLOWAY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

Ms. Lyons and Mr. Curwen arrived at 6:20 p.m.

221-06 **Proposed amendment to Municipal Code, amend to add new Chapter 3.42 Bridgeport Living Wage Ordinance.**

Mr. McCarthy distributed documentation on this item to all Committee Members. He explained that the item was amended and passed as amended and that a public hearing was held to further discuss it at which the full Council sent the item back to this Committee.

Mr. Rodgeron explained briefly that the ordinance would establish a minimum wage for those who had certain contracts with the City and who were receiving tax incentives from the City. He said that similar ordinances had passed in approximately 140 cities across the nation and that currently Hartford, New Haven and Norwalk had operating versions of it. He stated that the version before the Committee was identical to that in effect in Norwalk, save the amendments made by this Committee.

Mr. Walsh suggested that the item be amended by substitution. He submitted copies of his amended ordinance in which all instances of "Common Council" had been replaced with "City Council" and all instances of "Corporation Counsel" had been replaced with "City Attorney" and all language concerning labor peace had been stricken in the interest of passing the ordinance quickly with the intent to reintroduce it in the future (attached).

**** MR. WALSH MOVED TO AMEND ITEM 221-06 BY SUBSTITUTION.**

The Committee read over the proposed substitution.

**** MR. BONNEY SECONDED.**

**** MOTION PASSED WITH ONE OPPOSED: MR. HOLLOWAY.**

Mr. Walsh reported that he'd emailed copies of his proposed substitution and other documents to all Committee Members. He said that one document that he felt gave the most valuable information was an executive summary written by Andrew Elmore at NYU School of Law which included analysis done by 12 cities who'd had a living wage ordinance in place for more than one year. Mr. Walsh said that in his research he found nothing to lend credence to the claim that this ordinance would increase the burden on the City's taxpayers.

Mr. McCarthy asked what the wage amounts were in these other cities.

Mr. Walsh did not have that information immediately available but said that it was in the information he'd emailed to the Committee Members.

Mr. Mulligan stated that passing this ordinance would be taking on the responsibility of state and federal governments.

Mr. Walsh stated that a state living wage statute had passed in Maryland and that six other states had been considering their own state living wage statutes over the previous 12 months. He said that this was a growing trend in Connecticut and beyond and that at some point Bridgeport would be at a disadvantage if they didn't pass a living wage ordinance.

Mr. Mulligan said that towns like Trumbull and Fairfield and towns in the valley were the towns in competition with Bridgeport and were not instituting the ordinance despite being more financially capable.

Mr. Walsh didn't believe that Bridgeport was competing with Fairfield or Trumbull but with New Haven, Norwalk and Hartford.

Senator Gomes arrived at 6:45 p.m.

Mr. Curwen said that he wanted to see an impact analysis on this ordinance and suggested that the ordinance could scare potential investors away from Bridgeport.

Mr. Walsh said that he'd rather give a subsidy to the working poor of the City than to businesses. He said that businesses accounted for 20% of taxpayers in the City and he didn't want to give in to that 20% and ignore the other 80%.

Mr. Holloway expressed concern that many companies such as the Red Cross and ABCD would have to leave Bridgeport because they wouldn't be able to afford to pay the proposed living wage.

Mr. Feeney reported that the City Administration along with BERC and BRBC had analyzed the ordinance but had no documentation at this time.

**** MR. CURWEN MOVED TO TABLE ITEM 221-06 FOR LACK OF DOCUMENTATION.**

**** MR. HOLLOWAY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Bonney stated that those who spoke against this ordinance most likely made far more than \$11 per hour and suggested they speak to people who made less than that and had to struggle to pay ever increasing utility bills.

238-06 Proposed amendment to Municipal Code, amend to add new Chapter 13.10 The City of Bridgeport Energy Improvement District and Energy Improvement District Board.

**** MR. CURWEN MOVED TO TABLE ITEM 238-06.**

**** MR. SILVA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

256-05 Proposed amendment to Municipal Code 5.04 Business Licenses generally amend section 5.04.060 Certain Acts Not Authorized Under Licenses and Permits to include new language.

Mr. Rodgerson said that he'd entitled this item "The Urban Retail Anti-Discrimination Act" and explained that it would alter the code that the City used for business licensure to require franchised businesses to deliver similar services to those delivered by franchised businesses elsewhere in Fairfield County and the rest of Connecticut. Mr. Rodgerson said that there was an A&P just outside of his district at which customers were not allowed to take shopping carts outside into the parking lot and instead had to carry their groceries from the store to their cars. Mr. Rodgerson also noted that a McDonald's in Greenwich which wasn't as busy as those in Bridgeport had double the staff on duty during their lunch rush than those in Bridgeport.

Atty. Howlett said that she couldn't think of a license granted to A&P by the City and would have to research this.

Atty. Anastasi arrived at 6:55 p.m.

Mr. McCarthy asked if this had been done anywhere else.

Mr. Rodgerson answered that it had not and this was of his own making.

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Mr. McCarthy expressed concern with the vagueness of the proposed amendment.

Mr. Rodgerson disagreed and said that he didn't want to dictate how businesses were run but rather create grounds for holding up a license in case of a great disparity between customer service standards of franchisees in Bridgeport and those in other cities or towns.

Mr. McCarthy read from the proposed amendment where it said, "No license or permit issued under this code shall allow retail chains within the City of Bridgeport to maintain customer service standards, opportunities and accessibility disparate to those offered by retail chains..." and said that he was especially concerned with the definitions of customer service standards, opportunities and accessibility.

Mr. Rodgerson said that he was comfortable with the word "opportunities" being stricken but felt that customer service standards and accessibility were not open to interpretation.

Atty. Anastasi said that there should be clarity as to what permits or licenses would be withheld under this code because as it stood this amendment did not relate to the permits and licenses in the code that Mr. Rodgerson wanted to amend and that the City did not have the authority to withhold licensure on the basis of customer service standards.

**** MR. WALSH MOVED TO APPROVE ITEM 256-05.
** MOTION DIED FOR LACK OF SECOND.**

**** MR. SILVA MOVED TO DENY ITEM 256-05.
** MR. WALSH SECONDED.**

Mr. Bonney refused to vote.

**** MOTION PASSED.**

257-06 Proposed Amendment to Municipal Code 8.60 Solid Waste Collection and Disposal, amend Section 8.60.060 Unlawful Depositing and amend Section 8.60.170 Citation Process

**** MR. SILVA MOVED TO TABLE ITEM 257-06.
** MS. LYONS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. SILVA MOVED TO ADJOURN.
** MS. LYONS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Jessica Schroder
Telesco Secretarial Services

Bridgeport Living Wage Ordinance

Be it ordained by the City of Bridgeport that Chapter 3 of the Bridgeport Code of Ordinances be amended by adding the following Chapter:

§ 3.42.01. Title.

This ordinance shall be known as the *Bridgeport Living Wage Ordinance*.

§3.42.02. Purpose.

The purpose and intent of this ordinance is to ensure that employees of the City of Bridgeport, or employees of any entity that receives taxpayer-funded benefits from the City of Bridgeport, are paid a wage sufficient for workers to avoid economic hardship. This ordinance therefore requires the City, its contractors and subcontractors, and businesses benefiting from its financial assistance programs and from the opportunity to lease City property, to pay their employees a wage that would enable a full-time worker to support a family of four at or above the federal poverty level. This would permit a family to better meet basic needs such as housing, child care, food, clothing, transportation, health care, and taxes, and thereby reduce the expenditure of other taxpayer-funded social programs. This ordinance also intends to foster the positive business effects associated with adequate worker compensation - such as reduced turnover and increased workforce stability and productivity- that result in higher quality services to the City and the public.

§3.42.03. Definitions.

For purposes of this Living Wage Ordinance, the following terms have the meanings indicated:

(a) "*City of Bridgeport*" or "*City*" as used in this Living Wage Ordinance, means the government of the City of Bridgeport, or any department, board, agency, or commission of the City of Bridgeport, but does not include the Bridgeport Board of Education, its departments, or any entity under the jurisdiction of the Board of Education.

(b) "*Service Contract*" means any contract awarded by the City of Bridgeport to any individual or entity for services which involves an expenditure of twenty five thousand dollars (\$25,000) or more in any one fiscal year, including any subcontractors who are performing services pursuant to a Service Contract. The following shall not be considered "Service Contracts" for purposes of this Living Wage Ordinance:

(1) Any contract for the purchase or lease of goods, products, equipment, commodities or supplies; or

(2) Any contract where services are provided incidental to the purchase, lease or delivery of goods, products, equipment, commodities or supplies; or

(c) "*City Financial Assistance*" means assistance of at least \$25,000 in value awarded or conveyed to a business, by or through the approval of the City, for the purpose of promoting economic development, job retention or job growth. Generalized financial assistance such as that provided through broadly applicable tax reductions shall not qualify as Financial Assistance. City Financial Assistance includes, but is not limited to, any of the following things when they are awarded for the purpose of promoting economic development, job retention or job growth: grants of any kind, tax credits or abatements; rent subsidies; tax increment financing or bond financing; partial or complete loan forgiveness; belowmarket-rate loans; land write-downs, *i.e.*, the donation, sale, lease, assignment or transfer of land at less than fair market value of property; provision of

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on-site improvements; provision of tangible personal property, such as materials, equipment, fixtures, merchandise, inventory, or machinery.

(d) "*Development Project*" means a real estate development that has benefited from City Financial Assistance after the effective date of this ordinance or any real estate development that leases land from the city for any lease that is entered into or renewed after the effective date of this ordinance.

"*Covered Employer*" means the City of Bridgeport, any individual or entity that holds a service contract including subcontractors of such individuals and entities, any individual or entity that has received a City Financial Assistance, any individual who holds a contract to provide services to an individual or entity that has received a City Financial Assistance, or any individual or entity who owns a piece of real estate or has a leasehold interest on a property where a Development Project is located that has a duration of five or more years. The following shall not be considered "Covered Employers" for purposes of this Living Wage Ordinance:

(1) A charitable foundation, charitable trust or nonprofit agency or nonprofit corporation that both (A) benefits from a Service Contract or City Financial Assistance worth less than \$50,000 in a calendar year, and (B) is exempt from federal income taxation and may accept charitable contributions under Section 501 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; or

(2) Any entity that employs fewer than twenty-five (25) employees.

(f) "*Eligible Employee*" means a person who is

- (1) employed by the City on a full-time basis (20 hours or more),
- (2) employed by a covered employer that has received a Service Contract provided that such employee is only an eligible employee while employed in the performance of the Service Contract, including any subcontract for the performance of the service contract,
- (3) Employed by a covered employer while working at a location that is the subject of the City Financial Assistance,
- (4) Employed by a covered employer on the premises of a Development Project.

The following shall not be considered "Eligible Employees" for purposes of this Living Wage Ordinance:

- (1) an employee of the City of Bridgeport who is a temporary or seasonal employee. which, for the purposes of this ordinance shall be defined as any employee whose accumulated compensated hours in a calendar year are less than 0.25 FTE; or
- (2) an employee less than eighteen years of age; or
- (3) a student who serves in a work-study program or as an intern in a position that advances the student's career potential; or
- (4) a trainee participating for not more than six months in a training program; or
- (5) an employee enrolled in a government funded vocational rehabilitation program; or
- (6) a volunteer working without pay; or
- (7) an employee exempted under Section 14(c) of the Fair Labor Standards Act due to disability.

§ 3.42.04. Payment of a Living Wage

(a) Every Covered Employer shall pay no less than the Living Wage Rate to each Eligible Employee for each hour that he or she works as an Eligible Employee.

(b) The Living Wage Rate shall initially be \$11.07 per hour. Beginning January 1, 2008 and on January 1 of each year thereafter, the Living Wage Rate shall be upwardly adjusted in proportion to the increase, if any, during the preceding 12-months in the Consumer Price Index for urban wage earners and clerical workers.

(c) The City Finance Department shall publish an adjusted Living Wage Rate for the upcoming year by December 1 of each year. If the City Finance Department fails to do so, Covered Employers shall calculate adjustments to the Living Wage Rate as described above, and shall begin paying to each Eligible Employee no less than that adjusted Living Wage Rate by January 1

§ 3.42.05. Provision of Health Benefits.

(a) Every Covered Employer shall provide Health Benefits to each Eligible Employee. Providing Health Benefits means either:

(1) Paying premiums for health insurance covering the employee and/or his or her dependents where the Covered Employer's contribution to the health insurance package is valued at no less than the Health Benefits Supplement Rate for each hour worked as an Eligible Employee; or

(2) Paying a wage rate of no less than the sum of the current Living Wage and the Health Benefits Supplement Rate

(b) The Health Benefits Supplement Rate shall initially be \$3.00 per hour. Beginning January 1, 2008 and on January 1 of each year thereafter, the Health Benefits Supplement Rate shall be upwardly adjusted in proportion to the increase, if any, during the preceding 12-months in the Consumer Price Index for Medical Care, The City Finance Department will publish this rate each year, in the bulletin described above.

(c) The City Finance Department shall publish an adjusted Health Benefits Supplement Rate by December 1 of each year. If the City Finance Department fails to do so, Covered Employers shall calculate adjustments to the Health Benefits Supplement Rate as described in this Section, and shall begin utilizing that adjusted rate by the subsequent January 1.

§ 3.42.06. Obligations of Covered Employers.

(a) Covered Employers shall, within six (6) months of the commencement of any Service Contract or the initial receipt of any City Financial Assistance, and thereafter on an annual basis, provide the City Finance Department with a report as to employment practices which are subject to this Living Wage Ordinance. The report shall adhere to a format specified by the City Finance Department and shall include:

(1) A statement, as to each Eligible Employee, containing the following:

(A) The employee's job title;

(B) The lowest hourly wage earned by the employee for the reporting period immediately preceding the filing of the report;

(C) An indication as to whether the Eligible Employee was offered access to plan for Health Benefits sponsored by the Covered Employer;

(D) If the Eligible Employee was offered access to plan for Health Benefits sponsored by the Covered Employer:

- (i) The amount of the hourly equivalent value of the Covered Employer's contribution to that health insurance plan on behalf of the Eligible Employee (annual contribution divided by two thousand eighty), or
 - (ii) If the Eligible Employee elected not to participate in the health insurance plan, but could have done so, then what the hourly equivalent value of the Covered Employer's contribution to that health insurance plan (annual contribution divided by two thousand eighty) would have been; and
 - (E) A signed attestation by an officer of the Covered Employer that the information provided in the report is truthful and accurate, and that the officer is aware of the provisions of this Living Wage Ordinance,
- (b) The City shall include in all Service Contracts and City Financial Assistance agreements subject to this Living Wage Ordinance language satisfactory to the City Finance Department which incorporates all appropriate provisions, obligations and responsibilities - including reporting obligations - of Covered Employers under this Living Wage Ordinance.
- (c) Every Covered Employer shall post and keep in a conspicuous place on its premises where notices to employees are customarily posted, a copy of this Living Wage Ordinance or other materials promulgated by the City Finance Department designed to inform employees of their rights under the Bridgeport Living Wage Ordinance.

§ 3.42.07. Prohibited Practices.

- (a) No Covered Employer will fund wage increases required by this Living Wage Ordinance, or otherwise respond to the provisions of this Living Wage Ordinance, by reducing the health, insurance, pension, vacation, or other non-wage benefits of any of its employees.
- (b) A Covered Employer shall not discriminate in any manner against any employee for making a complaint, participating in the complaint proceedings, or using civil, statutory or collective bargaining remedies to advance their interests under this Living Wage Ordinance. The Corporation Counsel, or his or her designee, shall investigate allegations of retaliation or discrimination and seek appropriate relief if there is probable cause to believe the allegations to be true.

§ 3.42.08. Enforcement.

Enforcement of the provisions of this Living Wage Ordinance may be based on complaints of noncompliance by Eligible Employees or on monitoring for compliance by the City Finance Department.

(a) Complaint Process,

(1) Any Eligible Employee who believes his or her employer is not complying with this Living Wage Ordinance may file a complaint in writing with the Ordinance Committee of the City Council within 90 days after the alleged violation.

(2) Upon receipt of a written complaint under this Living Wage Ordinance, the ordinance committee of the City Council shall order an investigation of the complaint, utilizing such resources of the City of Bridgeport as may be required to conduct the investigation. During the investigation, the Ordinance Committee of the City Council may request from the Covered Employer such evidence as may be required to determine whether the Covered Employer has been compliant. The Ordinance Committee of the City Council shall complete the investigation and make a finding of compliance or noncompliance within forty-five (45) days after receipt of the complaint.

(3) The Ordinance Committee of the City Council shall give notice of his or her findings to the Covered Employer. The Covered Employer may dispute a finding of noncompliance by requesting a hearing from the Ordinance Committee of the City Council within thirty days of the

finding. A hearing shall be conducted by the Ordinance Committee of the City Council or their designee within 30 days after receipt of the request. The Ordinance Committee of the City Council or their designee shall affirm or reverse the finding based on evidence presented at the hearing by the City Finance Department and the Covered Employer.

(4) If at any time during the complaint proceedings, the Covered Employer voluntarily makes restitution of wages or benefits not paid to the Eligible Employee, or otherwise remedies the violation alleged, then the Ordinance Committee of the City Council shall thereafter dismiss the complaint against the Covered Employer

(b) Remedies.

(1) If, after notice of finding and hearing, a Covered Employer is found to be noncompliant, the Covered Employer shall correct violations and make restitution of wages retroactively to the beginning of the period of noncompliance within fifteen days, unless otherwise extended by way of agreement between the Covered Employer and City Finance Department.

(2) If violations are not corrected within fifteen days or within the time frame otherwise agreed upon between the City Finance Department and the Eligible Employee, the Ordinance Committee of the City Council their designee may do one or more of the following:

(A) Freeze or suspend the Covered Employer's Service Contract, until the City Finance Department determines that the violations have been corrected;

(B) Revoke the Covered Employer's City Financial Assistance;

(C) Designate the Covered Employer as ineligible for future City Financial Assurances or Service Contracts for three years or until all restitution has been paid, whichever is longer.

(D) Impose a penalty for the violation, said penalty to be not less than one dollar (\$1.00) and not more than one hundred dollars (\$100.00). Each day that any such violation shall continue shall constitute a separate offense and shall be punishable as such.

(3) Liability for payment of a Living Wage shall rest solely with the Covered Employer. The City of Bridgeport shall not be held liable in a civil action or administrative proceeding for lost wages or other economic losses resulting from the failure to pay a Living Wage, except when it acts in the capacity of a Covered Employer.

§ 3.42.09. Waivers and Exemptions.

(a) A Covered Employer may request that the City Council grant a waiver, in whole or in part, of any of the requirements of this Living Wage Ordinance. A request for waiver shall be made in writing to the Ordinance Committee of the City Council. Any such request shall be subject to a public hearing prior to action by the City Council.

(h) Where the City Attorney renders an opinion that the application of this Living Wage Ordinance to a particular Service Contract or City Financial Assistance would violate a specific state or federal statutory, regulatory, or constitutional provision or provisions, that particular Service Contract or City Financial Assistance may be exempted from the application of this Living Wage Ordinance, provided that the Ordinance Committee of the City Council approves the exemption on that basis. A request for an exemption shall be forwarded by the Ordinance Committee of the City Council to the full City Council for action in the form of a resolution.

§ 3.42.10. Annual Reporting to the City Council.

No less than ninety (90) days after the commencement of each fiscal year, the City Finance Department shall forward a Living Wage Report to the City Council, indicating for each Service Contract or City Financial Assistance in effect during the previous fiscal year:

(a) A general description of the Service Contract or City Financial Assistance and a the nature

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of the Covered Employer; and

(b) The number of Eligible Employees working for each Covered Employer, broken down by job title, and the wage rate paid for each position for each such that it can be determined that all Eligible Employees earn at least the Living Wage; and

The cost to the City in terms of increased payroll expenditures for persons employed by the City who receive a Living Wage but, in the absence of this Living Wage Ordinance, would not be eligible to receive a Living Wage; and

(d) To the extent feasible, an estimate of the total annual cost to the City attributable to the effect of this Living Wage Ordinance, taking into account such factors as increased expenditures for Service Contracts subject to this Living Wage Ordinance as compared to similar or equivalent contracts not subject to this Living Wage Ordinance, or changes observed in the quantity or quality of bidders for City Service Contracts, or any other reasonably measurable and quantifiable monetary impact observed in connection with the implementation of this Living Wage Ordinance; and

(e) To the extent feasible, an estimate of the total City employee hours dedicated to implementation, oversight and enforcement of the provisions of this Living Wage Ordinance.

§ 3.42.11. Effective Date.

This ordinance shall take effect six (6) months after publication in accordance with the City Charter.