

**CITY OF BRIDGEPORT
EDUCATION AND SOCIAL SERVICES
REGULAR MEETING
JULY 21, 2014**

ATTENDANCE: Denese Taylor-Moye, Co-Chair; Rev. Mary McBride-Lee, Co-Chair; Rick Torres, Robert Halstead, Milta Feliciano, James Holloway, Michael Morella, Council President Thomas McCarthy

OTHERS: Jorge Garcia, Public Facilities; Mark Anastasi, City Attorney; Thomas Sherwood, OPM Director; Anne Kelly-Lenz, Finance Director (6:32 p.m.); Council Member Richard Salter, Judge Carmen Lopez

CALL TO ORDER

Council Member Taylor-Moye called the meeting to order at 6:32 p.m. A quorum was present. She introduced the Committee Members along with the Council Members in attendance.

106-13 Grant Submission: re Proposed Resolution for the creation of a Replacement Roofing Project at the Thomas Hooker School.

Council Member Taylor-Moye stated that this item needs to go to the Budget and Appropriations Committee to determine if there was funding allocated to the project. She said that there was no Capital funding allocation for this.

**** COUNCIL MEMBER MARELLA MOVED TO SEND AGENDA ITEM 106-13 GRANT SUBMISSION: RE PROPOSED RESOLUTION FOR THE CREATION OF A REPLACEMENT ROOFING PROJECT AT THE THOMAS HOOKER SCHOOL TO THE BUDGET AND APPROPRIATIONS COMMITTEE FOR APPROVAL.**

**** COUNCIL MEMBER FELICIANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Council President Thomas McCarthy and Finance Director Anne Kelly-Lenz joined the meeting at 6:34 p.m.

A Comprehensive Discussion re Bridgeport School Building Committee, including but not limited to the City Council resolution establishing a standing (permanent) school building Committee, the By-Laws that govern the Building Committee and the appointment of members to the Committee. Also a discussion on the status of the Bassick High School Roof. Specifically, why has not the City bonded for its share of the match with the State.

Council Member Halstead said through the Chair that he wanted the discussion to center around whether or not there was a permanent School Building Committee and went on to say that the regulations state that there should be a regular School Building Committee for every project. First of all, that has not happened and this has been going on since 2002. He also stated that the existing School Building Committee has not been able to locate the resolution establishing their

committee being appointed to run the process. In the agenda, Council Member Halstead pointed out, that it said whoever brought forth the issue would be responsible for bringing in speakers, so he had requested someone who has studied this issue, knows the law and can explain more in detail. He said that person was Judge Carmine Lopez.

Council Member Holloway said that the School Building Committee was set up by the City Council President and includes the Public Facilities Department, the Planning and Economic Development Department, the City Council with three members, and the Superintendent of Schools. There are only three departments can designate a representative: the Superintendent of Schools, Public Facilities, and Economic Development. There are three people from the Board of Education and the City Council Members can not appoint a designee.

Council Member Holloway said that he was not sure what Council Member Halstead was trying to say. The rules are there and already set for what can happen at a School Building Committee. In order to change this, the ordinance would have to be changed. The Education and Social Services Committee cannot change the rules. The ordinance gives the Council President the right to appoint three Council Members.

Council Member Halstead said that he was making a presentation and had been interrupted by Council Member Holloway. Council Member Taylor-Moye said that Council Member Holloway had requested to be recognized by the Chair and at that point in time, Council Member Halstead had not said he wanted to continue his presentation until after Council Member Holloway started speaking. Council Member Taylor-Moye reminded Council Member Halstead that he had introduced Ms. Lopez and that Council Member Holloway requested to speak through the Chair. Once Council Member Holloway was finished, the Chair would allow Council Member Holloway to speak again.

Council Member Holloway continued by saying this was a straight case and that by the ordinance, Council President McCarthy has the right to appoint three individuals to the Committee. He has no right to appoint the Superintendent of Schools, the Public Facilities designee or the Planning and Economic developer or designee.

Council Member Halstead replied that he was familiar with what Council Member Holloway was saying. Council Member Taylor-Moye recognized Council Member Halstead. Council Member Halstead said that he was trying to find out what the information in the law and what it says. He said he had read the bylaws and knows what they say. He said that he wanted to see if Judge Lopez could make the presentation.

Council Member Holloway said that before this was done, the City Attorney should be present. Atty. Anastasi indicated his presence in the room. Council Member Holloway apologized for not seeing Atty. Anastasi and went on to say that the only person who should be explaining this issue to the Committee would be Atty. Anastasi, not outside counsel.

Council Member McBride-Lee asked for clarification as to whether Council Member Halstead was asking for information or trying to change the ordinance. She said that it appeared that Council Member Holloway thought Council Member Halstead was trying to put an ordinance in place. Council Member McBride-Lee said that she thought Council Member Halstead was

asking for information. Council Member Halstead confirmed that he was looking for information and trying to learn about this process for about a month. He said that he wanted to have a discussion about this issue at the table in order to get more information. He then asked again if the speaker could address the Committee.

Council Member Holloway pointed out that this was a Committee meeting and not a public hearing, so individuals from the outside can not speak at a Committee meeting. He said that the only person who could speak would be the City Attorney and the Committee members. Outside entities cannot speak because it was not a public hearing.

Council Member Taylor-Moye then said she was not clear on the rules as to who could speak to the Committee, but did not see a presentation given by a speaker mentioned on the agenda. Secondly, she said that while this was for information, her understanding of what Council Member Holloway just stated was that in order for anything to be changed, the issue would have to be sent to Ordinance and other procedures. Council President McCarthy has the right to certain actions and does not have the right to other actions. She said as the committee co-chair, she needed to clarify her understanding of this and with the Committee's agreement, she would ask the City Attorney for clarification.

City Attorney Anastasi came forward and said that he first needed to correct a mis-impression that he may have been party to in creating. Council Rule Number 7 states that no other person may speak at a meeting except at a duly authorized public hearing or as permitted by the Council Member chairing a committee meeting at the Chairperson's discretion when it is deemed to be in the best interest of the Committee to do so. This is not an open invitation to allow certain individuals to attend Committee meetings and request to be heard from in order to give their opinion. He respectfully suggested that the Committee consider scheduling a public hearing in order to give everyone the right to express their opinion on the issue. There should not be people selectively showing up and because they have a law degree, offering their interpretation of the law. Atty. Anastasi pointed out that opinion could be right, it also could be wrong; but it also may be one opinion among many. He added that by having a public hearing, the Committee would be able to hear an array of different information and opinions about the issue.

If the Committee wanted to change the bylaws that set up the appropriate make up of the Committee and the Council is welcomed to do that. However, that would have to be discussed to determine if it was a worthwhile action to pursue. Atty. Anastasi said that he would defer to Council President McCarthy regarding the School Building Committee. In order to change this, it would require the introduction of an action item, but there is no action item on the current agenda other than Item 106-13. The agenda states that it will be discussion only. However, if the Committee wants to change the by-laws, they have to come to a consensus and there needs to be an action item.

Council Member Torres said that Rule 7 allows the Chairperson to allow any person to speak for any reason that he or she deems necessary. Council Member Torres said that he was not an attorney, but Judge Lopez is and at the highest level of attorneys. She is not just a casual member of the public, but a very qualified individual who has taken it upon herself to study the situation in order to give us her professional opinion. He said that he did not believe that the Committee would lose anything in any way by listening to a professional's opinion on this matter. Council

Member Torres said that he believed the Committee would learn much and would be learning it from an individual that is highly qualified to do so.

Council Member Taylor-Moye said that as Co-Chair, she was aware of Judge Lopez's standing and that she was qualified to give some answers in regards to this. However, Council Member Taylor-Moye reminded everyone that this was not on the agenda. She was not informed that this would be part of any presentation. While Council Member Taylor-Moye would have preferred to see Judge Lopez's name listed on the agenda and have it stated that she would be speaking on behalf of this, it would have also been good for this to be noticed for the public so that anyone else could also address the Committee on this issue. Because of this, Council Member Taylor-Moye said that she was in favor of having a public hearing and letting everyone speak on this issue. She recognized Council Member Halstead's request to speak, but said that she would like to have Council Member McBride-Lee, her co-chair speak first.

Council Member McBride-Lee said that she would have loved to hear what Council President McCarthy had to say about this issue because this issue has to be considered by the Committee. When Council Member McBride-Lee looked at this, she wanted to know who had requested the agenda item. Council Member Taylor-Moye said that Council Member Halstead had requested the discussion. Council Member McBride-Lee said that when she read the item, she thought Council Member Halstead was going to bring some information about his concerns regarding the issue. Because of this, Council Member McBride-Lee said that she would have preferred that Council President McCarthy to have spoken before Attorney Anastasi. She said that it would have helped to know if this would have been a conflict of information or whether Judge Lopez could not address the Committee because it was not in the bylaws. Council Member Taylor-Moye said that she had not said that Judge Lopez could not speak, but simply what she would have preferred.

Judge Lopez interjected that the agenda said that Council Member Halstead was to bring information and that she was the information that Council Member Halstead was bringing. Council Member Taylor-Moye repeated that she had not said that Judge Lopez could not speak, but that right now, Judge Lopez was out of order and that Council Member Taylor-Moye had assumed that the information that was going to be presented was on paper, not people. Council Member Taylor-Moye said that she was not interested in having an hour of tit for tat about what can be said and what can't be said. She said that she wanted a little more clarity about what can be done. She repeated that she was not against having a speaker because there was no vote that would be taken. Her earlier statement was simply about what she would have liked to have seen done. The agenda does not say that Judge Lopez will be presenting. Council Member Halstead said that Judge Lopez would be presenting.

Council Member Halstead said that he had been trying to speak. Council Member Taylor-Moye recognized Council President McCarthy. Council Member Halstead stated that he had had his hand up to be recognized by the Chair. Council Member Taylor-Moye said that she was sorry. Council Member Halstead said that in the agenda it stated he should bring whatever information he needed and he had spoken with Co-Chair McBride-Lee about this. Council Member Halstead said that it was his understand that he could have someone speak who was an expert on the law and he requested that Judge Lopez be able to speak on the legal aspect of this issue because Judge Lopez was more qualified than he was.

Atty. Anastasi said that the Committee does not get their advice from former judges or outside attorneys that are not retained by the City. He said that Judge Lopez has an opinion and there were a number of other attorneys and other parties that also have an opinion. While the Committee is welcomed to hear opinions from the public, Atty. Anastasi encouraged the Committee to do so in the context of a public hearing, which would be fair and open to everyone. He said that this was not an instance where who shows up at a Committee meeting gets to participate as an unelected member of the Committee. Council Member Halstead objected to the phrase “who shows up at a meeting”. Atty. Anastasi said that Council Member Halstead was welcomed to object to that. He was stating his advice and the Committee was free to use it or ignore it.

Council Member Taylor-Moye asked Council Member Halstead if he was finished speaking.

Council Member Halstead said that he did not appreciate the characterization of “who ever shows up” as if it was Joe Blow who just came into the room. He said that Atty. Anastasi was able to stand up at the meeting and make statements like that. People are being ignored when they raise their hand regardless of whose item it is. Council Member Taylor-Moye said she had not ignored him. Council Member Halstead said that his request was to have Judge Lopez give information about the law because the law says that there is supposed to be a School Building committee appointed.

Atty. Anastasi pointed out that the law was open to interpretation and Judge Lopez was not paid to provide advice. He reiterated that if the Committee wanted to hear from Judge Lopez, they may also want to hear from attorneys who feel differently at a public hearing. He said that Judge Lopez was not an expert that had been retained by the Committee for this purpose, she is a member of the public who has an opinion. Atty. Anastasi repeated his suggestion that the Committee schedule a public hearing to give everyone a chance to be heard.

Council Member Torres said that it seemed to him that since people were speaking out of turn anyway, he was going to speak. Council Member Taylor-Moye said that since it seemed that way, she was going to stop it immediately. She then announced that the next person to speak would be Council President McCarthy.

Council President McCarthy then said that this was a discussion item on the agenda. The Chair has the ability to ask someone to speak or not speak. He then said that he wanted to give the Committee some history of speaking in Committees. There is a rationale behind the way this is done because the Committee wants to afford the public the opportunity to speak and not just having it so that someone can come in and speak whenever they want. The Council Members are elected officials to do this and that is what these Committee meetings are for. He added that he was not disregarding or intending to offend anyone by this, but he meant that the Council Member has been elected to their roles to perform the job and the job is to review this information and ask questions.

Secondly, the people who generally speak at Committee meetings are the ones who are directly connected to issue. The City Attorney, just by his role, is the Council’s official legal counsel and is always connected to the items if there are legal questions on any issue. There are other people

who could be connected to the items, but usually it is centered on Finance, which would be Tom Sherwood, or a bonding question which would be Anne Kelly-Lenz. The reason that public hearing are held is to allow the public their opportunity to give input and the Committee can call for a public hearing whenever they would like.

Having said this, Council President McCarthy added that the Committee could probably go back and forth for the next two hours, but was not sure why the Committee would want to do this. He then suggested that if the Chair wished to hear a short presentation from Judge Lopez, he had no problem listening to it. But he strongly cautioned everyone that while he had all the respect in the world for her legal career and her time on the bench. However, she is not, nor was anyone else present, the Committee's legal counsel. The Committee cannot rely on Judge Lopez for legal counsel. The only legal counsel for the Committee members is Atty. Anastasi and the associate City attorneys.

He reiterated that he did not mind if the Chair wished to allow Judge Lopez to speak for a limited period of time about this, but realistically, it was up to the Chair. The Chair ultimately makes the decision, but the Chair can ask the Committee for their thoughts. And this procedure would apply to anyone who wished to address the Committee.

Council President McCarthy suggested that the Committee allow Judge Lopez to speak because this was just a discussion item, not an action item.

Council Member Marella was then recognized by the Chair. He pointed out that while he respected Judge Lopez very much, the Committee would be setting a dangerous precedent because other people could easily come forward and say that the Committee had let Judge Lopez speak, so the Committee now was obligated to let them speak. There are rules.

Council Member Holloway said that he would like to have a vote. Council Member Torres said that the motion was out of order because there cannot be a motion to allow someone to speak. He said that this is what they had been told and it was not in the Council rules, so it was out of order. Council Member Holloway said that then no one will speak. Council Member Torres replied that this was not what he meant and asked through the Chair if he could speak.

Council President McCarthy said that he had a point of order that would take precedence over everyone. He then said that Council Member Torres was incorrect and that it would be possible to have a straw poll whenever the Chair wants to determine what the Committee wants. Council Member Torres said at the last meeting he had a motion to allow Judge Lopez to speak and it was ruled out of order. He then asked the Chair to recognize him to speak.

Council Member Torres pointed out that Rule 7 states that the Chair and the Chair alone has purview over who speaks. He said that as Chair Council Member Taylor-Moye could allow anyone to speak if she thought it was pertinent. He said that she did not have to ask permission, or anything else. If Rule 7 was going to be rescinded, Council Member Torres recommended that it be removed from the Council Rule Book first. But for now, it was in the Council Rule Book and therefore, up to Council Member Taylor-Moye to decide. He went on to say that Judge Lopez would be providing her opinion as to the law.

Council Member Torres said that he was a little confused after doing some research on his own. He said that State Statute dictates that Regional Board of Education are responsible for the maintenance, the care and the operations of buildings, land and apparatus...and for the establishment of permanent School Building Committees. He said that they had taken on that role and this was confusing. Judge Lopez was going to offer an opinion as to why it is that the City is either in violation of this State law or not. That's all. He said that it was not that the Committee was accepting outside counsel opinion. The Committee would be listening to outside counsel opinion. The Committee can also listen to in-house Council opinion. All the Committee would be doing is listening. They would not be taking a vote or moving anything forward.

Atty. Anastasi addressed Council Member Taylor-Moye by saying that this was the Council Rule and it says that it was in her ability to determine what factors she wanted to consider in making that decision. As Chair, she had the right to consult with her fellow committee members about this if she chose to do so. Council Member Taylor-Moye was not obligated to and the Committee members could not take a binding vote.

Council Member Taylor-Moye said that she would be soliciting her Committee members' input. She then recognized Mr. Sherwood.

Mr. Sherwood said that this was not his area of expertise, but wished to point out that Council Member Torres had cited a State statute that began with "regional Boards of Education", which relates to regional school districts. Regional Boards of Education have a number of towns that are part of the district. He said that the Committee could ask the State of Connecticut directly for clarification on the statement and the research would come through the documents. He added that there had not been a request to make that inquiry and therefore have not researched anything.

Council Member Torres stated that he had such a document in front of him from Judith Fullman, a State analysis. He said that the statement starts with "Local and Regional Boards of Education".

Mr. Sherwood repeated that any research that the Committee wanted on how this should be run can always be requested from the State, but the administration has not been asked to do that yet.

Council Member Taylor-Moye thanked Mr. Sherwood and recognized Council Member Feliciano.

Council Member Feliciano said that if it was so important for some of the Committee members to have the opinion of another attorney, she would like to know why that information could not have just been emailed to the various Committee members. Council Member Taylor-Moye said that this was something that could have been done. She repeated that it would have been her preference to have had this presentation indicated on the agenda. Council Member Taylor-Moye then recognized Council Member Marella.

Council Member Marella then said he was trying to understand why this issue was so important. He said that the Council Members were claiming it was about understanding, but they also had done their homework. He said that when he was first on the Council some twenty five years earlier, there was an Education Committee and that when he recently came back on the Council

to finish Bob Curwen's unexpired term, Mr. Curwen had been on the Education Committee. Council Member Torres said that question was whether it was legal. Council Member Marella responded by saying that according to the City Charter and the rules, the Committee was legal.

Judge Lopez said that she would like to give an opinion for the Chair's information. Council Member Marella replied that her opinion should have been put into writing and she should have had it prepared in advance because that is how the Committee operates.

Council Member Taylor-Moye recognized Council Member McBride-Lee. Council Member McBride-Lee said that Council Member Halstead wished to speak. Council Member Taylor-Moye recognized Council Member Halstead.

Council Member Halstead said that he had had his hand up for the last three or four speakers and that possibly Council Member Taylor-Moye did not recognize him. Council Member Taylor-Moye replied that it might be better if Council Member Halstead brought it to her attention since she has an eye disease and can not see past the end of her arm. She said that she could hear very well.

Council Member Halstead that as far as doing his homework, he had studied this and basically studied the statutes and reviewed all the legal aspects. He said that he wondered if this was a legal committee and that this was a very important issue because the City was spending hundreds and hundreds of millions of dollars year in and year out since 2002. This is a very important issue. He said that he does his homework and has a Master's degree, so he knows how to study and how to do research. When he does his research, he does not speak on his own, but uses footnotes to prove that he has done his homework. One of his footnotes is Judge Lopez.

He then asked what the Committee was so afraid of and questioned if that might be they were afraid of transparency. Council Member Halstead said that this was an important issue involving hundreds of millions of dollars. He then said that perhaps this was the way that the Committee does business by rubber stamping things year in and year out. He said that he was elected because people were tired of that and he was sorry if the Committee did not like that. He said that people were showing up that don't regularly show up at Committee meetings.

Atty. Anastasi tried to point out what the purpose of a public hearing was but Council Member Halstead cut him off by reminding Atty. Anastasi that he had the floor.

Council Member Halstead said that the Committee was trying to stack the vote because people that don't normally come were present. Council Member Marella pointed out that there was not going to be a vote on this issue. Council Member Taylor-Moye agreed that there was no vote scheduled.

Atty. Anastasi said that the record should reflect that the purpose of a public hearing was so that the notice is published in the newspaper and the public then has the right to be heard.

Council Member Halstead stated that he was not finished with his statement.

Atty. Anastasi said he was simply correcting the record.

Council Member Halstead stated that he was not present to make any kind of a motion but to find out information and to have a discussion on the public record of something that never gets discussed. He said that he has noticed a number of things by going to the School Building Committee meetings that he has questions about, which is why he is here. He then asked the Committee what the issue they were afraid of because they did not want someone to speak.

Council Member McBride-Lee said that the reason that she wanted to hear Council President McCarthy speak about the issue was because he was fair and she appreciated what he said. She then said that Atty. Anastasi had given out a document to the Committee members. Council Member McBride-Lee said she didn't understand why the Committee continued to discuss this since Atty. Anastasi had already said that a person could speak at a hearing or as permitted by the Chair.

Council Member McBride-Lee said that she would like to make a motion that Council Member Taylor-Moye decide whether Judge Lopez would address the Committee. Everything else was not important.

Council Member Halstead said that he would second that.

Atty. Anastasi explained with all due respect that the motion was not in order because it was up to the Chair to determine whether she wished to have someone speak at a Committee meeting. As part of that, the Chair needs to weigh the fact that the public did not receive notice of a hearing.

Council Member Torres then requested to speak. He said that it seemed to him that as Council Members, they should have the latitude at some point as members of the individual committees and as members of the Council to request that questions be answered for them in a way that is perhaps not normal in terms of the way things were done in the past. He said that if he had a specific question that he would like to have the Council discuss and debate, he should be allowed to request that an individual speak not at a public hearing, as Atty. Anastasi was suggesting, but at a Council meeting or a Committee meeting. That should be one of the Council Members' rights. He then said that the Committee does this all the time, when Mr. Sherwood speaks, or Mr. Garcia speaks, or Ms. Kelly-Lenz. When all of these individuals show up, they are technically part of the administration, which is one side of the issue. Then there is the Committee, which is another side of the government.

The members of the Council should be given the latitude to bring in a specialist to tell the Committee members what they think. And interestingly, it is in Rule 7 and it is controlled by the Chair. In Council Member Torres's estimation this was not a debatable issue.

Atty. Anastasi said that he would like to correct the record again. He pointed out that Mr. Sherwood, by Charter; the City Attorney, the Finance Director and everyone else do not work for the administration. They work for the City and they work for the Council as well as the Mayor. A reading of the Charter will show that the Finance Director and the OPM Director have obligations year round to supply information and support to the Council. They are different from the public. There is a great distinction from hearing from people who are employed to provide the Council with information and members of the public.

Council Member Torres said that Atty. Anastasi needed to ask permission to speak because he was taking over these meetings. There was a brief period of cross talk.

Council Member Marella made a motion to go into Executive Session. Council Member Feliciano seconded.

Atty. Anastasi began to say that with all due respect, but he was interrupted by someone in the audience. Council Member Marella said that the audience was interrupting.

Council Member Holloway asked to be recognized by the Chair. He said that he would make his statement and then leave. Council Member Holloway stated that Council Member Halstead had that they did not know what they were doing and doing something wrong because millions of State dollars were being spent. He pointed out that scrutiny from the State was at its highest. Everything that the Building Committee does is scrutinized by the State. Every “i” has to be dotted, every “t” crossed. If the City does anything wrong, the State will fine them and cut off the funding. He said that he did not know where Council Member Halstead was coming from with that statement, but he had been told if someone does not know what they are talking about, they should not say anything.

Council Member Halstead said that Council Member Holloway should not get personal. Council Member Holloway replied that he was not getting personal. Council Member Halstead said that Council Member Holloway was criticizing him. Council Member Holloway simply repeated that that he was not getting personal and if someone did not know what they were talking about, they should not say anything. He said that the statement that the State of Connecticut was unaware of things that were going on in Bridgeport.

Council Member Holloway then said to the Chair that since there was no vote, he was not willing to sit and listen to all the rhetoric. He then asked to be excused. Council Member Taylor-Moye nodded.

Council Member Holloway left the meeting at 7:11 p.m.

Council Member Taylor-Moye then asked each Committee member if they had a preference. Council Member Marella said that his concern was that a precedent would be set that was not in the rules. He said that if there had been a presentation in a written form from the Judge, it would not have been a problem. He said that he thought in the future someone would try to do this every time a Committee had a meeting. The Committee has been spinning their wheels for close to an hour over this issue. Council Member Torres said that Rule 7 allows it. Council Member Marella disagreed and said that it should have been in writing. Council Member Torres said that it was Council Member Taylor-Moye’s call.

Council Member Taylor-Moye said that it was her call but with all the negative vibes that she was getting, all about the transparency and all about the rigamarole about this issue, she simply wanted some feedback from the Committee members. If this was just her call, she said that it wouldn’t happen. She said that she preferred to have a public hearing to let everyone come and stand before the Committee.

**** COUNCIL MEMBER MARELLA MOVED TO HAVE A PUBLIC HEARING.
** COUNCIL MEMBER FELICIANO SECONDED.**

Council Member Taylor-Moye called for those in favor. Council Members Feliciano, Marella and McCarthy indicated they were in favor.

Council Member Torres objected. He said that he would like a public hearing and had no issues with it, but it was another aspect of the issue. He stated that what Judge Lopez said at the meeting could provide proof for the need for a public hearing, or not. Council Member Taylor-Moye said that the information she would provide would be the same information that she would give at a public hearing. Council Member Torres replied that a public hearing was called if there was compelling testimony to do so. Council Member Taylor-Moye said that she felt compelled to do so because of what she was hearing and she wanted to make it a public forum. She reminded everyone that several people had stated earlier that the decision was in her hands, she was making a decision to go for a public hearing. If it was going to be her decision, she wanted to bring it to a public hearing. Council Member Taylor-Moye called for those in favor.

**** THE VOTE TO HAVE A PUBLIC HEARING PASSED WITH FOUR IN FAVOR (FELICIANO, MARELLA, MCCARTHY AND TAYLOR-MOYE) AND TWO AGAINST (HALSTEAD AND MCBRIDE-LEE) AND ONE ABSTENTION (TORRES).**

Council Member Halstead asked if the vote for the public hearing precluded Judge Lopez speaking to the Committee members at this meeting. Council Member Taylor-Moye said that it was not part of the motion. She said that the Committee voted for the public hearing and then move forward as quickly as possible with the notification. Council Member Halstead said that the Committee members could hear Judge Lopez at the meeting. He was told no. Council Member Halstead said then that not hearing Judge Lopez was part of the motion.

Atty. Anastasi said that there was no motion to direct the Chair to make a decision. Council President McCarthy then clarified that what Council Member Halstead was saying was that he still wanted to have Judge Lopez to speak before the public hearing. He went on to say that he believed that the makers of the motion were saying that they wanted a public hearing where Judge Lopez could speak, but not tonight. Council Member Halstead said that if that was true, he wanted to have it included in the motion.

**** COUNCIL MEMBER MARELLA MOVED TO HAVE A PUBLIC HEARING AND ALLOW JUDGE LOPEZ TO SPEAK AT THE PUBLIC HEARING.
** COUNCIL MEMBER FELICIANO SECONDED.
** THE VOTE TO HAVE A PUBLIC HEARING PASSED WITH FOUR IN FAVOR (FELICIANO, MARELLA, MCCARTHY AND TAYLOR-MOYE) AND THREE AGAINST (TORRES, HALSTEAD AND MCBRIDE-LEE).**

Council Member Taylor-Moye asked how soon a public hearing could be set up. Council President McCarthy said that it would have to be discussed with the City Clerk because there is a time frame involved and there has to be a notice in the paper. Council Member Taylor-Moye said that she would like this to be done quickly and that Judge Lopez should come to the hearing with

all the material that she has and all the supporting documents. She said that she would like Judge Lopez to have everything available that the Judge would like to give to the Committee tonight. Council Member Taylor-Moye said to those present that she felt it was best to have a public forum so that everyone in the City could be involved in this and anyone else who wanted to speak on the issue would have the opportunity. She said that she believed that this would be more transparent than anything else.

Council Member Marella said that the reason why he was making this motion was to protect the Council rules. It was nothing personal, but he wanted to protect the rules. Council Member Torres stated that he was taking this personally.

Council Member Taylor-Moye said that she would make sure that the notice was published quickly.

Council Member Halstead said that he would like to also make a motion to have a representative from O&G to explain what their role is at the next committee meeting. Council President McCarthy said that this would come down to the Chair's decision, but he wanted to point out that O&G was actually under contract to the City. Atty. Anastasi said that this was so and that if the Committee wanted a copy of the contract, it could be provided to the Committee members. He cautioned everyone that O&G most likely could not change the terms of the contract. Council President McCarthy said that he did not think it was inappropriate to have an O&G representative present for a discussion of the Building Committee. Atty. Anastasi said that he believed the contract was through Public Facilities, so that they would have to be invited through Public Facilities. Public Facilities can make sure that the right person to answer questions is present and there are also in-house representatives to make sure the relationship that is legally agreed to and in place is presented appropriately. Council Member Halstead said that he would still like to do that. Mr. Garcia said that it would be helpful to have some questions submitted in advance so that the representative can be prepared to answer them and bring whatever information they might need with them. Council Member Halstead said he did not want to have the same kind of situation happen if the O&G came. He said that he had asked O&G to come and they said they would. He did not want this situation to happen again.

Atty. Anastasi apologized for accidentally interrupting Council Member Halstead earlier. He went on to explain that O&G is more or less in the middle between City staff and the general public. O&G is staff by contract, which is different from hearing from the general public at large.

Council Member Marella asked if there was protocol for this. He then asked Council Member Taylor-Moye if a request to have someone come to make a presentation should go through the Chair before someone was invited to a meeting. Council Member Taylor-Moye agreed. Council Member Marella said that there was a precedent at the last meeting where Judge Lopez was allowed to speak. Council Member Taylor-Moye confirmed that Council Member Marella was correct. Council Member Halstead said that Council Member Marella's comment was a dig. Council Member Marella replied that the Committee does have a protocol. Council Member Halstead said that Council Member Marella had stated that earlier and Council Member Halstead had heard Council Member Marella the first time. Council Member Halstead said that this was why he was bringing up the request about O&G now.

Council President McCarthy then said that he would like to summarize the discussion because he agreed with Council Member Halstead and did not want to have another hour or so of discussion like this because he did not feel it was helpful. He suggested that if anyone had someone connected to the projects that they would like to come to speak to the Committee that they send the request to the Chairs. He said that it was clear that Council Member Halstead had requested that O&G be present, but if anyone else had any other parties in mind, it should be sent to the Chairs. He also said that if the Committee was not required to stick within a certain number of questions or topics, but if the Committee members had certain topics they would like O&G to speak on, it would be helpful to let them know in advance. Council President McCarthy said that Council Member Marella was strong on following protocol because he is on Budget and Appropriations and that it can be an unwieldy animal that must be controlled by the Chairs or nothing will be accomplished. Otherwise there are a million questions going in a million directions. That is why there is this process. Council President McCarthy then respectfully asked everyone to stick to the process by presenting requests to the Co-chairs so that the information could be sent out.

Council Member Torres then informed the Committee that he had spent five hours at the Lincoln Institute seminar in Hartford about Land Value Taxation. While it is irrelevant to the Social Services and Education Committee, they have a series of institute experts that could provide testimony to a Committee. He pointed out that technically, the Institute does not work for the City, they are an outside entity and could be considered part of the public. To Council Member Marella's point, it should be okay for a Chairperson at a meeting to say that by all means, that the Committee needed to hear from this person who is an expert. He said that what was done today stepped on that wonderful quality that a Committee can have to acquire information be it an opinion from a Judge, right or wrong, but still an opinion from a Judge that sat in the Connecticut Court system. The Committee ignored that tonight for whatever reasons. However, this is a strong part of Committee efforts and it seemed to Council Member Torres that this was thrown out the window, but that information is going to come out anyhow at the public hearing. Council Member Torres said that it seemed to him that this could have provided a basis for the Committee to have a public hearing. Or the information might have provided a basis for not having a public hearing. Maybe the Committee would have had the information it needed without one, but that was ignored. He said that he took exception to the notion that these committees can't ask individuals who are specialist in the public for their opinion.

Council Member Taylor-Moye replied that she understood where Council Member Torres was coming from but now it was time for him to hear where Council Member Taylor-Moye was coming from. As the Chairperson at the meeting, it was a decision that she had to make. She said that she weighted the decision and listened to everything that everyone had to say. Council Member Taylor-Moye stated that she felt that a public forum was best. If she is in the position to be a Chair, she needs to do her job and she shouldn't be ridiculed for doing the job.

Council Member Torres interjected that he never meant to ridicule her and actually applauded her decision. He said that the decision was her choice and he was fine with that. He said that the point was in reply to Council Member Marella's statement that the Committee was violating the process by allowing someone from the public to speak and Council Member Torres felt that this was absolutely incorrect.

Council Member Taylor-Moye replied that someone from the public would be allowed to speak, along with many others at the public hearing in regards to what the Committee would be doing. She went on to say that often people look at things a certain way and after the decision, Council Member Taylor-Moye felt that Judge Lopez was good with the final decision along with everyone else who was present.

Council Member Feliciano said that this was in reply to Council Member Torres' statement. She said that while Judge Lopez was a former judge, she was not an expert on education. Judge Lopez dealt with juvenile delinquents in the City of Bridgeport. If the Committee wanted to discuss bringing in experts, they should be experts on the subject matter, not just a judge because she is a judge. The experts should be experts on education.

Secondly, Council Member Feliciano said that Judge Lopez's opinion on the matter. There are people all over the City who have opinions. This is why it was best to have a public hearing. Not only will she be heard, but everyone else who wants to speak on the matter. Council Member Feliciano said she felt the Committee had beaten this enough already at the meeting.

Council Member Torres said that his interest in hearing her speak was on the issues of law, not on the issues of education. Council Member Taylor-Moye said that Judge Lopez would have the opportunity to do that. She then asked if there was a motion to adjourn.

Council Member Halstead said that the Committee should wait. He said that he was interrupted again when he was saying that he was going according to the Chair's wishes by giving the Chair the name of who he would wish to come and speak on the matter of O&G Construction. He said that he wanted to put on the record whether this was okay. Council Member Taylor-Moye said that it was. She then said that at the next meeting in August, and that the Co-chairs were in agreement that O&G could present at that meeting. She then asked Council Member Halstead what kind of information he wanted from O&G. Council Member Halstead said that he wanted to be able to ask them questions. Council Member Taylor-Moye asked what subject Council Member Halstead wanted to discuss. Council Member Halstead said that he wanted to discuss how contracts are awarded and construction management practices, which is his background. He added that he had legal questions about the legalities of their role and bidding practices and how they operate.

APPROVAL OF COMMITTEE MINUTES OF JUNE 11, 2014

**** COUNCIL PRESIDENT MCCARTHY MOVED THE COMMITTEE MINUTES OF JUNE 11, 2014.**

**** COUNCIL MEMBER FELICIANO SECONDED.**

**** THE MOTION TO APPROVE COMMITTEE MINUTES OF JUNE 11, 2014 AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** COUNCIL PRESIDENT MCCARTHY MOVED TO ADJOURN.**
- ** COUNCIL MEMBER FELICIANO SECONDED.**
- ** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 7:35 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services