

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SPECIAL MEETING
JUNE 20, 2012**

ATTENDANCE: R. Paoletto, Jr., Co-Chair; W. Blunt Co-Chair (6:20 P.M.); L. Martinez; R. Bonney; S. Brannelly; A. Baker ; T. McCarthy; M. McCarthy; A. dePara

ALSO: Atty. S. Mednick; Atty. E. Maley; M. Anastasi, City Attorney;
C. Simpson; R. Felipe

Chair Paoletto called the meeting to order at 6:15 p.m. for the purpose of hearing Item

97-11 Proposed Charter Revision Report.

Chair also said that City Councilman Robert Curwen will not be attending due to a detached retina in his right eye. He thanked Charter Revision Member R. Felipe for making copies of the annotated version for all members. Additional copies were at the meeting for those still needing them.

Also, he reminded everyone that the Public Hearing on this item, as called by the entire City Council, will be held Wednesday, June 27, 6 p.m. in the City Council Chambers. The next meeting of the Ordinance Committee will be the following evening, June 28, 2012 at 6 p.m.

He then started the meeting by asking if anyone had any questions on:

Chapter 1 – Construction of the General Provisions

Atty. Mednick reminded everyone that this is the section that dealt with definitions, etc.

Chapter 2 – Incorporation and General Powers

Chair Paoletto asked if any member had any questions on this section.

Council Member Martinez asked Atty. Mednick for comments/review of this chapter. Atty. Mednick stated that little was changed in this chapter. They made sure there was a continuation of rights and obligations from the previous charter. There is some new broader language addressing grant of authority, the Home Rule Act (Sec. 1C). Sec. B3 is a new explanation of functions of the boards and Commissions.

Member Brannelly asked why the term town rather than city is used. Atty. Mednick said it is historic to use town. Atty. Maley said the correct notation is “town & city”.

Council Member Baker asked about notation at bottom of page 9 talks about state statute with wording crossed out and asked how that is consistent with Section 1B. Atty. Mednick explained the sequence of notations and clarified how the changes were made. Mr. Baker asked what a special act is and Atty. Mednick provided an explanation of Special Acts and the relationship of State Statute and how they are utilized at the City level. More on this is covered in Chapter 3.

Chapter 3 – Elections, Electors, Elected Officials, et al.

Chair Paoletto asked if any member had any questions on this section.

Charter Revision Chair C. Simpson suggested this is a good segue way to the issue of Removal re: special acts, especially because there seems to be some misinformation regarding the removal process. Atty. Mednick stated that Section 11 (page 22) has a provision regarding Removal of Appointed and Elected officials. The current charter has a provision for removal of appointed officials only, and the grounds are very limited.

As regards the issue of removal, like recall, there is no general grant of authority in state law for recall of elected officials, only by special act on a local level. Bridgeport has had in its charter, since 1907, a provision that deals with Term of Office. It says a term of office shall occur until a there is a choice and qualification of successor, prior death, resignation or removal from office, which provides the foundation for the authority to remove elected officials from office.

The current charter has provisions for the Mayor to remove persons that the Mayor appoints, the City Council to remove persons that the City Council appoints. The Charter Review Commission suggested that the Charter should have procedures for these removals. The new language requires due process for removal process and outlines grounds for removal, requirement of a full evidentiary hearing, addresses conflicts of interest, etc.

In summary there is a Special Act to provide the authority and there are now due process procedures/rules governing the process.

Ms. Simpson added there was a lot of citizen testimony during their public hearings on recall, removal, conflict of interest and ethical issues which prompted the Commission to address this section.

Mr. Baker asked how the City Council can remove elected persons. Atty. Mednick referenced page 26 Section 3B and provided further explanation. Mr. Baker asked what the procedure is to remove. Atty. Mednick said the procedure is well spelled out in the new Charter. The City Council could adopt an ordinance to supplement it.

Mr. Baker asked for clarification on grounds to remove elected officials, specifically 'lesser crimes'. Atty. Mednick replied something that not a felony, but is fraudulent or dishonest conduct not rising to the level of a felony, crimes that involve integrity of officials; basically any felony *or* a lesser crime involving the integrity of an official person. A criminal charge against someone does not automatically trigger a removal. Conviction is necessary.

Mr. Baker asked to have incompetence defined. You would need a standard to be measured against. Atty. Mednick said that this is designed to avoid arbitrary or tyrannical behavior, and every case is subject to evidentiary process; is not automatic removal and is meant to establish a standard.

Chair Paoletto said he will not entertain discussion on something that is not a change from the existing Charter. Atty. Mednick referred Mr. Baker to Chapter 2, Section 17a and 17b for previous language.

Chapter 4 – Office of the Mayor

Chair Paoletto asked if any member had any questions on this section.

Mr. Felipe stated there were not substantive changes except for Emergency Powers provisions discussed at the meeting on June 12, 2012.

Chapter 5 –

Chair Paoletto asked if any member had any questions on this section.

Council member DePara asked for a quick review of changes to this chapter. Atty. Mednick offered:

- Section 1 specifically states that legislative power is vested in the City Council
- Added provision that gives the City Council power to create committees
- Further clarifies that the City Council may schedule meetings
- Budget Oversight –requires City Council to meet, at a minimum, quarterly and review monthly financial reports
- Procedures for adoption of ordinances and adoption of resolutions or other types of enactments
- Was a section on re-apportionment and number of districts – this was moved to Chapter 3 – Elections.

-
Member Bonney referenced language stating that Majority/Minority leader will be selected by the City Council majority/minority party members; said currently the President selects the Majority/Minority leaders. President T. McCarthy said current practice allows for the newly elected President to recommend a member for the position

City of Bridgeport

Ordinance Committee

Special Meeting

June 20, 2012

Page 3

and the City Council approves. As a general practice the City Council accepts his recommendation but does not have to.

Mr. Baker also noted there is no reference to the President Pro Temp position. Atty. Mednick stated it is not in the current charter. Mr. T. McCarthy felt it was not urgent for the City Council to address this in light of other major issues. Mr. Bonney felt that if there is an office, i.e. President Pro Temp, the Charter should address it. Mr. T. McCarthy said this could be sent back to be included.

Mr. Bonney felt there should be some language to address the appointment of positions that exist on the City Council. Mr. T. McCarthy said that the Charter is like the Constitution, and ordinances and rules are the details of how we operate. He said the President Pro Temp is a slightly different situation. Atty. Anastasi noted as an example, that the charter does not dictate what committees should exist; rather it allows for the establishment of committees by the City Council.

Atty. Mednick said some charters are more detailed, some are less. Most do not address 'party' officials as opposed to 'political' officials. You can consider adding language such as 'other officers may be selected under the rules of the City Council'. Atty. Mednick agreed to draft some language for the committee's consideration.

Chapter 6 – Other Elected Officers

Chair Paoletto asked if any member had any questions on this section.

Atty. Mednick noted that there was a numbering mistake within this section which will be corrected.

Chapter 7 – Boards & Commissions

Chair Paoletto asked if any member had any questions on this section.

Mr. Baker referenced subpoena powers on page 60 and asked if that comes from the City Attorney's office. Atty. Mednick said it would be initiated by a board or commission, who may elect to seek assistance from the City Attorney's office. Mr. Anastasi added that they have from time to time drafted subpoenas or otherwise assisted a board or commission.

Mr. Baker asked for an explanation on how the 10 year term limits are applied and whether this applies to the Board of Ed as well. Atty. Mednick explained in further detail the way the term limits are applied and when/how the change takes effect. It does also apply to the Board of Ed.

Mr. T. McCarthy voiced his concern that 10 years from the effective date everyone is off boards or commissions at the same time. Atty. Mednick and Atty. Maley further

explained the process. Mr. Felipe stated that currently there are not a lot of long “termers” aside from the Library Board.

Mr. Bonney asked what happens if at the 10 year mark no one else is appointed to replace a member. Atty. Mednick said members will serve until an appointment is made. Mr. Felipe added the Revision Commission discussed this process at length. Because the current background check process as established is lengthy they suggest the City Council revisit the ordinance and consider going to a local background check along with the prospective member signing a disclosure form, with removal allowed if information is found to be unacceptable/untruthful.

Mr. Baker asked about the Qualifications for Board of Education members and asked if there are qualifications for the members of the Qualifications Board. Atty. Mednick referenced page 65 Section 5a which speaks to special considerations for diverse members of the Q-Board. He reviewed those requirements. He added that language can be added stating the City Council can by ordinance establish criteria for other boards.

Mr. Baker asked if the Superintendent is appointed by the Mayor. Atty. Mednick stated that the Superintendent is appointed by the Board of Education per state statute.

Atty. Mednick said the Charter Revision Commission had testimony from an interested party suggesting a change to the composition of the membership of the Airport Commission. The Revision Commission did not have time to address it fully. The question concerns allowing an ex officio member, Mayor or City Council President, to designate another to serve in their stead. Mr. Felipe said they were asked to create additional spots on the Airport Commission to allow people with specific expertise to serve.

Atty. Anastasi said they just amended the ordinance for the WPCA to designate substitutes on the board. Atty. Mednick said he would draft language for review by the committee. Mr. DePara added his support for this change.

Chapter 8 – Departments & Department Heads

Chair Paoletto asked if any member had any questions on this section.

Chapter 9 – Budget & Fiscal Controls

Chair Paoletto asked if any member had any questions on this section.

Chapter 10 – Bonding & Long Term Debt

Chair Paoletto asked if any member had any questions on this section.

Chapter 11 – Pensions

Chair Paoletto asked if any member had any questions on this section.

Chapter 12 – Historic and Special Act Provisions

Chair Paoletto asked if any member had any questions on this section.

Chapter 13 – Transitional Provisions

Chair Paoletto asked if any member had any questions on this section.

Chair Paoletto reminded everyone again of the Public Hearing on June 27, 2012 and the next meeting on Thursday June 28, 2012.

Mr. Felipe thanked the Chairperson of the Charter Review Commission along with the Ordinance Committee and entire City Council for their hard work and open communication which allowed this process to move forward in an efficient manner.

Chair Paoletto also wished to thank Council Member dePara for serving as the liaison between committees and keeping the Ordinance Committee, President and entire the Council apprised of the work being done.

Atty. Mednick then said he will prepare all mark ups, suggested language and clean-ups for review at the next meeting Thursday June 28, 2012. He also expressed his appreciation for the courtesies afforded him during this process and to the liaison for his contributions as well.

Ms. Simpson confirmed her thank you's as well.

** MEMBER BONNEY MADE A MOTION TO ADJOURN

** MEMBER T. MCCARTHY SECONDED

**VOTE WAS UNANIMOUS IN FAVOR.

Meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Jill Kuzmich
Telesco Secretarial Services

City of Bridgeport
Ordinance Committee
Special Meeting
June 20, 2012
Page 6