

**CITY OF BRIDGEPORT
CHARTER REVISION COMMISSION
SPECIAL MEETING
MAY 10, 2012**

ATTENDANCE: C. Simpson, Chair; G. Estrada, Vice-Chair; C. Valentino; F. Carter (5:52 p.m.); R. Felipe; H. Weichsel; Rev. Walker

OTHERS: Atty. M. Anastasi; Atty. E. Maley; Atty. S. Mednick

ALSO: T. McCarthy, City Council President; A. Baker; W. Blunt; R. Bonney; S. Brannelly; L. Colon; R. Curwen; A. dePara; M. Lyons; L. Martinez; R. Paoletto; C. Silva; D. Taylor-Moye

CALL TO ORDER.

Chair Simpson called the meeting to order at 5:48 p.m. Everyone present introduced themselves. Chair Simpson stated that the Charter Revision Commission has a quorum. She then said that the purpose of this meeting is to present the rough draft of the proposed Charter to the Council. Atty. Mednick said the intention is to make a copy of the final draft available to the public by Friday, May 18, 2012 in advance of the public hearing scheduled for Wednesday, May 23, 2012. T. McCarthy asked if the council will get a hard copy this evening. Atty. Mednick indicated no, pending a few areas yet to be addressed. He indicated he will make copies available to all council members once the final draft is available, mindful that there might be changes made after the public hearing and prior to turning it over to the council for processing. Chair Simpson stated that the commission's intention tonight is to highlight the changes made and answer questions if there are any.

Atty. Mednick proceeded. He said that as previously explained they tried to do the following: 1) consolidate the existing charter and make it a more orderly document 2) eliminate redundancy and 3) make it more constitutional.

Chapter 1 – moved all definitions, terms, etc. that are used throughout the document to the first chapter. All elements are defined in the first chapter, which has made it more user friendly for all.

Chapter 2 – very close to what you have now; technical incorporation provisions, rights and obligations that continue, modified the language for General Grant of Authority to make it more modern and so that the city can rely on Title 7 of State of CT General Statutes to govern the city beyond the terms of the Charter.

Chapter 3 – consolidated all provisions involving electors, elections, elected officials, terms of office and general provisions regarding the continuity of government. It lays out who the elected officials are. There is transition language in this section. This is where you will first see language addressing the transitioning from an elected Board of Education to an appointed Board.

Another substantive change is dealing with reapportionment. Atty. E. Maley spent time writing this piece, tied the reapportionment process to the state Statute that governs it. This commission also dealt with Section 11, and heard fair amount of testimony on the issue of recall. Recall is not legally permissible in CT. He noted that this Council has broad subpoena powers, unlike most local authorities, but you do not have recall powers. This substantially addresses the issue of removal and associated procedures dealing with the process, for both elected and appointed officials. Clearly delineates rules for removal for both the Mayor and Council. Created language for existence of Conflict of Interest and Ethical standards covered by the Ethics ordinance.

Chapter 4 Mayor – no significant changes except for change to language involving emergency powers. Most other municipalities have this. Added language giving the Council power, by 2/3 majority vote, to declare a public emergency, and the process associated with that power. Councilman Curwen noted that such an emergency requiring 2/3 majority may be hard to accomplish. Atty. Mednick stated that this power would come in to play after the President, Governor and Mayor exercised their powers to declare. Language based on current FEMA regulations. Pres. McCarthy asked to revise “2/3” to a specific number of council people needed for declaration.

Chapter 5 – deals with City Council. Nothing significant, except for 2 things. They added a provision giving council power to establish committees to facilitate the work of the council. The Charter was also silent on how the council introduces legislation. Once the draft charter goes to the council, and you have a fix for this, it can be considered for addition.

A big part of this chapter deals with the minutiae of the operations: series of words that deal with special act provisions that gave you the ability to deal with individual issues, written in ordinance language rather than charter language. Things that deal with ordinances, things that look like law, are all being moved to a new chapter at the end of the charter for addressing at a later time. They also cleaned up terminology to remain consistent with rest of charter, and spelled out oversight in clearer language.

Chapter 6 – deals with all other elected officials i.e. city clerk, sheriffs, Registrar of Votes, etc. . No significant changes in this section.

Chapter 7 – Boards and Commissions. There was no central logic to how this was dealt with in previous charter.

First part deals with **General Requirements** that apply to **all** appointed Boards and Commissions, regardless of who appoints them. General Rule states that the Mayor will appoint

and the Council approves. There is a residency requirement, requires minority party representation, requires a diversity of membership, removal provisions (Chapter 3) referenced here, quorum rule is consistent across all boards and commissions, all boards & commission need to organize and establish procedures, etc. They added a required cooperation provision that requires cooperation between Dept. Heads/City officials and Board/Commissions.

There are 2 boards that the Charter Commission is placing restrictions on – the Board of Education and Civil Service Commission relative to restrictions on who is appointed and for how long.

Councilman Silva asked if there is a section on term limits in Chapter 5-City Council. Atty. Mednick indicated you cannot do term limits for Council or Mayor in the State of CT. Mr. Silva asked what the commission thought about changing council terms from 2 to 4 years. Chair Simpson indicated that he commission was not asked specifically to address this and did not take that on, and did not have time to address within the time frame. Pres. McCarthy indicated the Council did not have consensus on this issue.

Councilperson Brannelly said that they did not want too many controversial items up for referendum. Chair Simpson indicated that the Board of Education piece was huge for them to address. Atty. Mednick indicated that the Commission will discuss next week whether there should be term limits for boards and commissions. This issue has not been resolved yet.

Chapter 8 – Board of Education is fully established by the Charter. Language states that by December, 2015 you will have a fully appointed Board of Education. Commissioner Carter crafted the language that spells out exactly how the transition to fully appointed Board of Education will come about. You start out with a fully elected board, then transitions to hybrid for a period of time, then will be fully appointed by December 2015. If someone who is elected resigns in the interim the Mayor has the authority to appoint a replacement and the Council has the authority to approve the appointment. The last fully elected class of members will be elected this September.

Chair Simpson indicated that the commission was unanimous in their decision to propose a fully appointed board. For a time they were on the fence on the issue of hybrid vs. fully appointed. What they realized is there is an educational crisis in the city and they need to do something. They gathered information from personal testimony, public hearings, documents, expert witnesses to assist them in their decision.

Commissioner Estrada stated that coming in to this process they had no preconceived notions on what should be. Personally, he had a serious issue with taking away the rights of the citizens of Bridgeport to vote. The more information they heard the more compelling it became to listen to the voice of children and students. For him personally this was a very difficult decision, but he is 100% behind the decision to go to an appointed board. Not taking away anyone's right to vote. Charter Commission is making the recommendation to council and then for electorate to vote on change in November.

Chair Simpson stated that the student's testimony was heartbreaking. They wanted to know where their right to an education counted. The suggested revisions added lots of steps to avoid the problems with past boards. Mr. Estrada brought up the concept of a Qualification Committee. Commissioner Valentino stated that since the people of Bridgeport elect the council representatives, they are their voice, and this Commission has faith the Council will vote according to the wishes of their constituents.

Councilman Baker asked if the commission had done research to see how a fully appointed board has succeeded in other locations and pros and cons. Commissioner Felipe indicated that lots of information was used, along with 3 national experts giving testimony on accomplishments. He summed up by say there are no magic bullets, the fully appointed board creates a 'full toolbox' available that allows success. They also sought out opposition testimony. 2 people appeared. Chair Simpson indicated that they sought out the former board members for testimony. All but 2 refused to testify. Those 2 gave lots of information which helped the commission in the decision process. What existed clearly was not working. All testimony is on the city website.

Mr. Baker asked if there was testimony on quantitative achievements /results. Mr. Felipe indicated that yes, test scores did go up, not skyrocket. He added that in order to succeed you still need the full involvement/cooperation of teachers, administrators, parents, students, and elected officials. Mr. Baker added that an appointed board creates a dynamic that aids in change. Mr. Felipe said when you remove the political minutiae from the Board of Education they are free to focus on the very specific, difficult job they have. Past board did not focus their energy on these problems. Chair Simpson noted Mayor deStefano, New Haven saying politics does not belong on a school board, it is too risky. A good education system makes for a great city and community. Mr. Valentino said the business community will support us in the future but will not invest in our educational system as it exists now.

Mr. Baker asked what is the biggest advantage of an appointed board. Atty. Mednick said that you are able to make qualitative judgments on who you appoint using criteria which are addressed in the revision, to define what kind of people you want on your board. Criteria like attributes such as specific knowledge, experience, commitment to public service; diversity such as people with specific educational training, PTA/PTO background, legal background, financial background, construction management, workforce development; diversity of neighborhoods, racial, ethnic, cultural mix of the community. This revision has specific requirements for state of the art training requirements for all board members with specific rules as to when/how often this occurs, and they are subject to removal if they do not comply.

Councilwoman Martinez stated that the diversity of the Board should reflect the diversity of the students they serve. Atty. Mednick assured that the commission will look at that very seriously. He reiterated that it is not just the Mayor that makes the decision who to appoint. The Council must approve the appointments, and that is the check. Councilman Blunt asked if there was specific language that deals with term limits of BoE appointments. Atty. Mednick said the

commission will deal with that issue at their next meeting. Chair Simpson shared that Allan Taylor who created the hybrid board for the City of Hartford, and has experience in this issue, presented testimony in support of a 100% appointed board. There are still political issues that remain with a hybrid board. Current Superintendent Paul Valus also supports a fully appointed board.

Councilwoman Lyons said she supports an appointed board with residency requirements, asked if there is a board of finance associated with the changes. Atty. Mednick stated that the Commission did nothing to disrupt the current financial aspect of the BoE. Mr. Felipe added that an appointed board allows for interested parties, who might otherwise not participate due to the politics involved, are now free to participate. This opens up a whole pool of individuals. Ms. Lyons urged future members to visit and fully engage themselves with the students, teachers, parents and administration. Mr. Felipe said that a board that needs to go through the council approval process sets up a different dynamic between the two, a spirit of open communication will need to exist.

Councilman Paoletto communicated some concern of lack of cooperation. Commissioner Carter said that we need to be optimistic, that things have been bad for the children of Bridgeport for a very long time. Chair Simpson stated that there is a cooperation clause, and other tools for the council to use to contribute to the success of these changes. The Mayor must make this work now as he has responsibility of the appointments. There is a lot more accountability this way. Councilman Colon said that as a BoE member she thanked this Commission for all of their hard work.

Atty. Mednick said that a charter sets constitutional standard and addressed the importance of 'best practice' and discussed details of the Qualifications Board process. Councilman Curwen asked if there is a mechanism to control the salary of the Superintendent of Schools. Atty. Mednick stated that state statute prohibits that, but that your appointed members are in control of that. Also, asked if reappointment of Superintendent goes before the Council. Atty. Mednick said that State statute dictates that the Board of Education appoints the Superintendent. He then summarized this to be main crux of the changes as it relates to the Board of Education.

Other changes to this chapter include a change in the number of members on the Board of Parks to an odd number. Commission left current structure of Library Board. However they created a structure in this charter so that the Library Board is clearly a board like any other board with the city. Chair Simpson indicated that the Commission, as state previously, did not want to take on numerous controversial issues and put the Board of Ed changes in jeopardy. Mr. Curwen stated that the Library Board issue was a priority for the Council. Mr. Valentino told them the Council has powers, within the existing Charter, to address this issue. Atty. Mednick assured him that there are substantial changes which will provide tools to assist the Council in dealing with this. Pres. McCarthy stated that the Council does feel very strongly about the Library Board.

Mr. Felipe stated that once the final draft is presented to the Council you will be able to go line by line, chapter by chapter, to address any of these issues. Mr. Estrada reiterated that this comes

down to the Council already having the ability to effect change, you just need to exercise it. This applies to all boards and commission and is not targeted to any in particular. Department Heads – the charter gives the City the ability to expand on qualifications of Dept. Heads to meet best practices, highest standards of the industry or field. This applies to all Dept. heads, not just those mentioned in the current charter. They also added the CAO in the charter, established standards for the hiring of attorneys within the City Attorney’s office; removed redundancy within existing charter, listed who is appointed by the mayor, who serves at the pleasure of the Mayor . Added Director of IT, Superintendent of Schools, City Librarian.

Chapter 9 – Budget and Fiscal Controls. This is not finalized yet. Commission recognizes the Council’s need for more time for the annual budget process. Also trying to establish a more constitutional standard for non-budget season review, and enhance the Council’s role in that process. These requirements also apply to all boards and commissions.

Chapter 10 – Bonding and Long Term Debt. No significant changes.

Chapter 11 – Pensions. No significant changes

Chapter 12 – This is a new section consisting of old things moved from other parts of the charter. Civil Service is here. This Commission did not have time to look at Civil Service. Other communities have moved this out of the charter altogether, Bridgeport might consider that in the future. Communication requirements i.e. meeting notices, public notices are addressed in this section.

This is the end of the review.

Pres. McCarthy asked the timing of the approval. The Council will get the proposed revisions early June, meet during the month of June to work through it, hold a public hearing, suggest changes and return it to the Commission. Atty. Mednick will be with the Council as they review the entire document. The Commission meets and takes their final vote. They can only vote on those changes addressed by the Council.

In order to get on the ballot in November it needs to be submitted to the Secretary of State’s office by September. Ms. Lyons asked if the charter, as a whole, will be on the ballot in November, or just changes being made. Atty. Mednick said that the Council has the responsibility to craft the question(s) that will be on the ballot in November, with assistance by counsel. A pamphlet can be created for the public that will detail the changes made to the Charter.

By the end of next week, Atty. Mednick will provide for each Council member, a clean copy and a page by page annotated copy, of the proposed charter. 2 sets need to be printed in size 20 font.

ADJOURNMENT

***COMMISSIONER ESTRADA MOVED TO ADJOURN THE MEETING**
***COMMISSIONER VALENTINO SECONDED**
****MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Jill Kuzmich
Telesco Secretarial Services