

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
FEBRUARY 28, 2023**

ATTENDANCE: Tyler Mack, Co-chair; Rosalina Roman-Christy, Co-chair; Ernest Newton, Aikeem Boyd, Jorge Cruz, Michelle Lyons

STAFF: Thomas Gaudett, Deputy Chief of Staff

OTHER: Atty. Deborah Garskof; Atty. James Maye; Council Member(s): Matthew McCarthy, Maria Pereira, Rolanda Smith, Scott Burns, & Jeanette Herron; Barbara; Kenneth Flatto, Finance Director; Nestor, OPM Director; Atty. Mark Anastasi, City Attorney; Council President Aidee Nieves

CALL TO ORDER

Co-chair Mack called the meeting to order at 6:03 P.M. There was a quorum present.

APPROVAL OF COMMITTEE MINUTES: DECEMBER 28, 2022 (REGULAR MEETING)

APPROVAL OF COMMITTEE MINUTES: JANUARY 3, 2023 (PUBLIC HEARING)

**** COUNCIL MEMBER CRUZ MOVED TO CONSOLIDATE THE MINUTES OF DECEMBER 23, 2022 AND JANUARY 3, 2023 FOR APPROVAL AS SUBMITTED.
** COUNCIL MEMBER NEWTON SECONDED THE MOTION.
** THE MOTION PASSED WITH FIVE (5) IN FAVOR (ROMAN-CHRISTY, NEWTON, BOYD, CRUZ, LYONS) AND ONE (1) ABSTENTION (MACK).**

**** COUNCIL MEMBER CRUZ MOVED TO APPROVE THE MINUTES AS CONSOLIDATED.
** COUNCIL MEMBER NEWTON SECONDED THE MOTION.
** THE MOTION PASSED WITH FIVE (5) IN FAVOR (ROMAN-CHRISTY, NEWTON, BOYD, CRUZ, LYONS) AND ONE (1) ABSTENTION (MACK)**

13-22

PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 2.108 – BYLAWS CITIZENS' UNION.

Mr. Gaudett came forward to discuss this item. He provided the proposed amendment for those present. He said that a portion of it had been colored red which was to be removed and a portion of it, colored green, was to be substituted in. He suggested that they make a motion to substitute the new document in should they desire to vote.

He noted that the ordinance was not being followed at all and reviewed how and why it was not being followed including the following:

- When the Citizens' Union is supposed to operate.
- The number of members.
- Staggered terms.

He pointed out that sections were also entirely illegal which he reviewed for those present. As a result, it was important to change this. He said that the new ordinance was similar to current practices. He then reviewed the proposed changes. He also proposed that the people who serve on the Citizens' Union serve on an annual basis for a one-year term. He then reviewed his reasoning for the changes.

Co-chair Mack asked if Atty. Anastasi wished to comment.

Atty. Anastasi said he had not submitted a legal opinion on the proposed amendment.

Atty. Maye came forward to discuss this item. He said he had reviewed the proposed amendment and didn't find any problem with the new provisions. He felt the rewrite was of legal sufficiency.

Council Member Newton asked to clarify the number of members and if they were doing it the way it should have been done initially.

Atty. Maye said this ordinance does not comment on the Council Committee process, nor did he think it was appropriate to do so. He further reviewed the process for those present. He said all he had done was conform it to current practices.

Council Member Newton said he supported allowing the Citizen's Union to do what they were doing now. He felt if they were going to ask the people to donate their time to serve that they should honor the work they were putting into it. As such he supported allowing the Citizen's Union to do what they were supposed to do.

Council Member Cruz voiced his agreement with Council Member Newton and agreement with the amendment. Further discussion followed regarding the details of the number of people on the Citizen's Union.

Council Member McCarthy asked about the current practice and if this item would be going before the full Council for an up or down vote. Further discussion regarding the process followed.

Council Member Burns asked if, for the appointees to the Citizen's Union, the one-year term precluded someone from serving more than one year.

Atty. Mayes confirmed that it did not preclude them for serving for more than one year.

Council Member Herron said she was glad that they were clearing up the language. She noted that there were many years in which the Council didn't want the Citizen's union to have any say or participation. Further discussion followed.

Council Member Pereira said that it was unacceptable to delete the red text and replace it with the green since it did not allow people to see the changes. She also said three of the documents were hidden. She also voiced disapproval of the language used within the amendment. She proceeded to outline her issues with the language of the amendment and issues of the legality of meetings.

Atty. Mayes pointed out that the text was properly bracketed and underlined as required. He also reviewed the language Council Member Pereira had issue with to clarify it. Atty. Anastasi also provided clarifications regarding the legal language.

Council Member Newton suggested that they table the item until needed changes could be done and right language provided.

Council Member Pereira said they would need to ensure that the members of the Citizen's Union understood the Robert's Rules of Order. She also raised concern over the definition of a quorum and said that a quorum needed to be at least 51%, not 50%. She also had concerns over the defined duties of the Vice-Chair. Further discussion followed regarding what the requirements for quorum should be. Atty. Mayes said they could easily fix the issues regarding the quorum, number of days for a notice, and removal of officers. Council Member Newton suggested that they do the changes right now and move the item. Discussion followed regarding the amount of time that should be required for a meeting notice and the size for a quorum.

**** COUNCIL MEMBER NEWTON MOVED TO ACCEPT THE DOCUMENT AS AMENDED TO BE APPROVED WITH THE SUBSTITUTED LANGUAGE.**

**** COUNCIL MEMBER CRUZ SECONDED THE MOTION.**

Discussion followed regarding the exact language being approved.

**** THE MOTION PASSED UNANIMOUSLY.**

14-22

PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.08 – CITY CONTRACT AND PURCHASING PROCEDURES, AMEND SECTION 3.08.070 – PURCHASING PROCEDURE.

Mr. Gaudett came forward to discuss this item. The item has been amended multiple times over the years which resulted in a section on summary bids getting removed entirely. He reviewed the necessity for having a section for summary bids and provided an example of where it would be needed. They are also making an edit in the definition of an informal competitive proposal process, which he reviewed for those present.

Atty. Garskof said the revision was legally sufficient and consistent with the definitions already present.

Council Member Newton said that they would need to, at some point, look at the purchasing on bringing in companies that can't do the work due to issues with work not being completed. He voiced further concerns with consistent hiring of contractors who couldn't do the work because they were the lowest bidder.

Council Member Pereira asked if the purchases were applicable to services.

Mr. Gaudett said that it did but there were some rules to it. Further discussion followed regarding what was acceptable as a service.

Council Member Pereira asked if there was a contracting officer in the budget.

Mr. Gaudett said it was not meant to be one specific person in the City and it depended on the project.

Council Member Pereira asked what an 'alternate' was referring to in the text.

Mr. Gaudett said it was in reference to when there were specific line items for a service and provided more detail. Further discussion followed.

Council Member Roman-Christy asked if a project was overbid, what the process for rebidding was.

Mr. Gaudett said that they could rebid the whole project, and this just allowed a shorter, more streamlined, process. He proceeded to explain the details.

**** COUNCIL MEMBER CRUZ MOVED TO APPROVE ITEM 14-22 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.08 – CITY CONTRACT AND PURCHASING PROCEDURES, AMEND SECTION 3.08.070 – PURCHASING PROCEDURE.**

**** COUNCIL MEMBER ROMAN-CHRISTY SECONDED THE MOTION.**

Council Member Roman-Christy recanted her second. Council Member Cruz recanted his motion.

**** COUNCIL MEMBER CRUZ MOVED TO AMEND ITEM 14-22 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.08 – CITY CONTRACT AND PURCHASING PROCEDURES, AMEND SECTION 3.08.070 – PURCHASING PROCEDURE. BY SUBSTITUTION.**

**** COUNCIL MEMBER ROMAN-CHRISTY SECONDED THE MOTION.**

Council Member Newton said he would abstain on this vote as it had to do with corporate resources.

Council Member Pereira expressed confusion over what was being amended by substitution. Further discussion followed to clear up confusion.

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (MACK, ROMAN-CHRISTY, BOYD, CRUZ, LYONS) AND ONE (1) ABSTENTION (NEWTON).**

**** COUNCIL MEMBER LYONS MOVED TO APPROVE ITEM 14-22 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.08 – CITY CONTRACT AND PURCHASING PROCEDURES, AMEND SECTION 3.08.070 – PURCHASING PROCEDURE. AS AMENDED.**

**** COUNCIL MEMBER CRUZ SECONDED THE MOTION.**

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (MACK, ROMAN-CHRISTY, BOYD, CRUZ, LYONS) AND ONE (1) ABSTENTION (NEWTON).**

15-22
PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 2.06 – COMMON COUNCIL, AMEND TO ADD NEW SECTION 2.06.100 –
CAPITAL BUDGET REPORTING PROGRAM.

Council Member Burns came forward to discuss this item. They are hoping to have more in-depth reporting opportunities to have about different capital projects for the City, how expenses are being made, and statuses of projects.

Council Member Newton asked for the other Council Members to support this item and explained his reasoning for doing so.

Council Member Pereira asked to be reminded of what two of the acronyms in the resolution stood for. Council Member Burns informed her of what they stood for. Council Member Pereira said she had expressed concern over funds that were not being spent. She wished to know if this report included all unspent capital funds at the completion of a project or if another funding source was found for the project and why they were asking for the report only once a year.

Council Member Burns said that the amended resolution would be twice a year. When a project is completed, unspent funds will be reported. Further discussion followed.

Council President Nieves provided further explanations for the importance of the report. Council Member Newton said this would help keep both the Budget Committee and the City Council up to date on capital plans. Further discussion followed.

Council Member Pereira asked if the form would be available to the public online. This was confirmed. She hoped that the costs, with interest, would be listed. She said they should not use acronyms or that there be a key for them. Otherwise, she felt the form was excellent.

A letter from the City Attorney was shared with all those present.

Council Member Cruz voiced his support of the proposal. He felt this was a dire need for the Council to do its work.

Council Member Newton asked if they needed to make the letter an exhibit. He believed it had already been exhibited at the budget meeting.

Atty. Anastasi suggested that they accept it as an exhibit and the budget co-chairs would continue to work with the OPM Director and the Finance Director to come up with a final version of the document that would be satisfactory to the Council.

**** COUNCIL MEMBER NEWTON MOVED TO ENTER THE LETTER FROM THE CITY ATTORNEY AS EXHIBIT NUMBER 2-28-2023-A.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

Discussion followed regarding the information available through MUNIS.

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Burns said that there was a substitution. He noted that semi-annual reports were more than sufficient, and he reviewed the impact this would have on the proposed amendment.

**** COUNCIL MEMBER NEWTON MOVED TO ACCEPT ITEM 15-22 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.06 – COMMON COUNCIL, AMEND TO ADD NEW SECTION 2.06.100 – CAPITAL BUDGET REPORTING PROGRAM.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

Atty. Anastasi pointed out that Council Member Burns was making an amendment to the item. He also had amendments he desired to make and suggested that they amend by substitution.

Council Member Newton withdrew his motion.

Atty. Maye reviewed the proposed changes for those present and discussion followed regarding how to proceed.

**** COUNCIL MEMBER NEWTON MOVED TO SUBSTITUTE THE REWRITTEN ORDINANCE PROPOSED IN THE OPINION LETTER FROM MR. GAUDETT FROM FEBRUARY 24, 2023 AND WITH THE FINAL ADJUSTMENTS FROM ATTY. ANASTASI IN SUBSECTION C.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

Council Member Pereira asked to clarify that the report would be semi-annual now. This was confirmed. Further discussion followed regarding the details of this. It was suggested that what was needed was for a final document to be substituted on the night of 03/06/2023.

Council Member Newton commented that this was supposed to be a way of keeping track of what was going on. Atty. Anastasi said he would work over the next few days to get a report turned in.

**** COUNCIL MEMBER NEWTON MOVED TO SUBSTITUTE THE REWRITTEN ORDINANCE PROPOSED IN THE OPINION LETTER FROM MR. GAUDETT FROM FEBRUARY 24, 2023 AND WITH THE FINAL ADJUSTMENTS FROM ATTY. ANASTASI IN SUBSECTION C.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

Council Member Pereira requested that they not have to deal with this item on Monday and receive a final draft in advance of the meeting.

**** THE MOTION PASSED UNANIMOUSLY.**

16-22
PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 2.06 – COMMON COUNCIL, AMEND SECTION 2.06.030 – SPECIAL
MEETINGS.

Council Member Burns came forward to discuss this item. They are looking to make an amendment such that the Council President would be able to call a special meeting. Atty. Anastasi has offered his opinion that such an amendment where the Council President can call a full meeting of the Council is not permissible under the charter. Atty. Anastasi noted that there was an exception to this which he reviewed.

Council Member Newton said that he supported having the Council President having the authority to call a meeting. He noted that the legislative branch could not call themselves in for a meeting currently. He further voiced his concerns over how the current meeting system was and a lack of balance in government. He said they needed the ability to have the authority to call themselves into order. He wished the City Council to reclaim some of their power. Further discussion followed regarding setting meetings. Council Member Newton asked why nobody had brought this to the Council's attention in advance. Atty. Anastasi reviewed the process that would need to be done and said it could be started now; but the ordinance could be amended now as well.

Council Member Pereira voiced her agreement with Council Member Newton and her issues with the current ordinance. She recounted her own attempts to have the ordinance revised. Atty. Anastasi provided some additional clarification regarding how meetings could be filed/scheduled.

Council Member Newton said that, to show they were serious, they should vote it out of committee tonight.

**** COUNCIL MEMBER NEWTON MOVED TO ACCEPT ITEM 16-22 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.06 – COMMON COUNCIL, AMEND SECTION 2.06.030 – SPECIAL MEETINGS.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

Council Member Pereira pointed out that the mayor could easily veto it and 2/3rds would be required to pass it. Atty. Anastasi provided his legal opinion and said that the Council did not have the authority to do this under the current charter with the exception of overriding the mayors veto on the budget. He also said that, to add more regular meetings, as long as they were not called with less than 30 days' notice, there would not likely be opposition from the FOI Commission. He provided his recommendations on how to properly amend the ordinance and said it could not be done as a special meeting through the Council President. He suggested it be tabled so he could obtain more information as to how to properly proceed.

Council Member Newton withdrew his motion.

**** COUNCIL MEMBER NEWTON MOVED TO TABLE ITEM 16-22 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.06 – COMMON COUNCIL, AMEND SECTION 2.06.030 – SPECIAL MEETINGS. WITH THE WITH THE UNDERSTANDING THAT THE CITY ATTORNEY AND AUDIT WITH THE CHAIR SO THAT HE CAN CALL THE SPECIAL MEETING SO THAT THEY CAN ADDRESS THIS ISSUE.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

**** COUNCIL MEMBER NEWTON MOVED TO ORDER PUBLIC HEARINGS FOR ITEMS 13-22, 14-22, AND 15-22 FOR MONDAY, MARCH 6, AT 6 P.M.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

Council Member Pereira voiced concern that they wouldn't have enough time for the public hearings.

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER NEWTON MOVED TO ADJOURN.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:43 P.M.

Respectfully Submitted,

Ian A. Soltes
Telesco Secretarial Services