# **AGENDA**

### CITY COUNCIL MEETING

## MONDAY, MAY 4, 2020

# 7:00 P.M. THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE

THE PUBLIC MAY LISTEN INTO THIS MEETING BY CALLING THE FOLLOWING CONFERENCE LINE AND THEN ENTERING THE CONFERENCE CODE:

DIAL- IN NUMBER: (929) 436 2866 MEETING ID: 381 083 245

\*\*\*DUE TO THE PUBLIC HEALTH EMERGENCY, PUBLIC SPEAKING WILL BE BY WRITTEN
TESTIMONY ONLY\*\*\*

\*\*\*PLEASE SUBMIT WRITTEN TESTIMONY TO <u>PUBLICTESTIMONY@BRIDGEPORTCT.GOV</u> BY 6:30 P.M. ON MONDAY MAY, 4TH.\*\*\*

Prayer

Pledge of Allegiance

Roll Call

#### MINUTES FOR APPROVAL:

Approval of City Council Minutes: April 20, 2020

## PUBLIC HEARING(S) TO BE ORDERED BY THE FULL COUNCIL:

**92-19** Request from OPED to Order a Public Hearing for June 1, 2020 at 7:00 p.m. re: Proposed Resolution Approving Programs for Connecticut Neighborhood Assistance Tax Credit Program Applications.

#### ITEMS FOR IMMEDIATE CONSIDERATION:

- 93-19 Communication from Central Grants re: Grant Submission: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding (CESF) FY 20 Program, FOR IMMEDIATE CONSIDERATION.
- 94-19 Communication from Central Grants re: Grant Submission: Regarding the National League of Cities Census Rapid Response Grant, FOR IMMEDIATE CONSIDERATION.
- 95-19 Communication from Central Grants re: Grant Submission: Application to the Department of Homeland Security Federal Emergency Management Agency (FEMA) Fiscal Year 2020 Assistance to Firefighters Grant Program COVID 19 Supplemental (AFG-S), FOR IMMEDIATE CONSIDERATION.

# COMMUNICATIONS TO BE REFERRED TO COMMITTEES:

- 91-19 Communication from City Attorney re: Proposed Software License and Support Agreement with EPR Systems USA Inc. regarding a Software Package called EPR FireWorks for the Fire Department, referred to Contracts Committee.
- 92-19 Communication from OPED re: Proposed Resolution Approving Programs for Connecticut Neighborhood Assistance Tax Credit Program Applications, referred to Economic and Community Development and Environment Committee.

# MATTERS TO BE ACTED UPON (CONSENT CALENDAR):

- \*45-19 Ordinance Committee Report re: (Ref. #34-17 & #141-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.20 of the Municipal Code of Ordinances Tax Incentive Development Program.
- \*46-19 Ordinance Committee Report re: (Ref. #35-17 & #142-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.24 of the Municipal Code of Ordinances Affordable Housing Tax Incentive Development Program.
- \*72-19 Ordinance Committee Report re: Amendments to the Municipal Code of Ordinances, Chapter 3.20 Tax Incentive Development Program, amend Section 3.20.060 (G) Miscellaneous Provisions.
- \*73-19 Ordinance Committee Report re: Proposed Amendments to the Municipal Code of Ordinances, Chapter 3.24 Affordable Housing Tax Incentive Development Program, amend Section 3.24.040 (F) Miscellaneous.
- \*49-19 Economic and Community Development and Environment Committee Report re: Resolution Authorizing the Disposition of 398, 400, 430, 440, 448 and 454 Bunnell Street (the "Redevelopment Properties") within the Seaview Avenue Industrial Park.
- \*56-19 Miscellaneous Matters Committee Report re: Settlement of Pending Litigation with Wanda Lee Mendez.
- \*62-19 Miscellaneous Matters Committee Report re: Appointment of Kyle LaBuff (D) to the Planning & Zoning Commission.
- \*64-19 Miscellaneous Matters Committee Report re: Appointment of Ann Binkley (D) to the Board of Assessment Appeals.
- \*65-19 Miscellaneous Matters Committee Report re: Settlement of Pending Litigation with Thomas Austin.
- \*66-19 Miscellaneous Matters Committee Report re: Settlement of Pending Litigation with Carmelo Mendez.
- \*83-19 Miscellaneous Matters Committee Report re: Appointment of Andrea Garcia to the Board of Assessment Appeals.

# MATTERS TO BE ACTED UPON (CONSENT CALENDAR) CONTINUED:

\*51-19 Joint Committee on Miscellaneous Matters and Budget and Appropriations Report re: Revision necessitated by OPED noncompliance with Item #176-17 authorizing the Urban Enterprise Zone Assessment Deferral for Qualified Development located at 515 West Avenue.

# MATTERS TO BE ACTED UPON:

63-19 Miscellaneous Matters Committee Report re: Appointment of Michael Nastu (R) to the Zoning Board of Appeals.

(Special Note: All items listed on the agenda can be found on the City Clerk's website within 24 hours of meeting: City Council Agendas/Minutes; City Council; 2019-2020; Full/Minutes/Size; 2020-05-04.pdf)

#### CITY OF BRIDGEPORT

# CITY COUNCIL MEETING

# **MONDAY, MAY 4, 2020**

#### 7:00 P.M.

This meeting was conducted by teleconference.

\*\*\*Due to the public health emergency, public speaking will be by written testimony only\*\*\*

\*\*\*Please submit written testimony to <a href="mailto:PublicTestimony@bridgeportct.gov">PublicTestimony@bridgeportct.gov</a>
by 6:30 p.m. on Monday, May 4th\*\*\*

# **CALL TO ORDER**.

Mayor Ganim called the meeting to order at 7:14 p.m.

# **PRAYER**

Mayor Ganim asked Council Member Council Member McBride-Lee to lead those present in prayer.

# PLEDGE OF ALLEGIANCE

Mayor Ganim asked Council Member Castillo to lead those present in reciting the Pledge.

Council Member Vizzo-Paniccia requested a moment of silence in memory of retired Bpt. Police Officer Louis Bruno.

Council Member McBride-Lee requested a moment of silence in memory of Bishop Earnest Epps.

Council Member Cruz requested that those in attendance remember all those who have passed away from COVID-19 and all those who were in the hospital.

## **ROLL CALL**

The City Clerk Lydia Martinez called the roll.

130<sup>th</sup> District: Scott Burns, Matthew McCarthy 131<sup>st</sup> District: Denese Taylor-Moye, Jorge Cruz 132<sup>nd</sup> District: Marcus Brown, M. Evette Brantley 133<sup>rd</sup> District: Michael DeFilippo, Jeanette Herron

134<sup>th</sup> District: Michelle Lyons, AmyMarie Vizzo-Paniccia 135<sup>th</sup> District: Rosalina Roman-Christy, Mary McBride-Lee

136<sup>th</sup> District: Alfredo Castillo, Avelino Silva 137<sup>th</sup> District: Maria Valle, Aidee Nieves 138<sup>th</sup> District: Maria Pereira, Samia Suliman 139<sup>th</sup> District: Eneida Martinez, Ernest Newton

# **APPROVAL OF CITY COUNCIL MINUTES:**

# **April 20, 2020**

- \*\* COUNCIL MEMBER ROMAN-CHRISTY MOVED THE APRIL 20, 2020 CITY COUNCIL MINUTES.
- \*\* COUNCIL MEMBER CASTILLO SECONDED.

Council Member Pereira said that she had submitted changes to the votes. City Clerk verified the votes with the Council Members.

# \*\* COUNCIL MEMBER PEREIRA MOVED TO AMEND THE APRIL 20 MINUTES WITH THE FOLLOWING SUBMITTED CHANGES:

**Page 10** - Second paragraph under (b) should read "each resolution adopted to subsection (a) of this section shall may be submitted to the electors of the municipality for their approval."

**Page 10** – Seventh paragraph second sentence reads "Mr. Gaudett said that he had just received a text informing him that Ms. Losak's phone had died." Ms. Losak's phone did not die and I have no idea how Helen Losak would be able to text Thomas Gaudett as she has no phone number for Mr. Gaudett.

**Page 14** – Third paragraph last sentence states "Another Council Member **Maria Pereira** requested that 79-19 also be removed."

Page 15 – Third paragraph should read as follows: "Council Member Pereira said that under the Connecticut General Statutes, the City Council has the right to reject this to turn this down, however Chief Thode had said that there was a memo provision in the

contract that did not the allow the City Council to turn vote this down.

- Page 16 Third paragraph last sentence should state "Bridgeport needs safe, clean, affordable housing for low income residents, and residents with physical disabilities and veterans."
- **Page 17** Seventh paragraph firs sentence should state "council member Brown Pereira stated that she asked Council Member Brown..."
- Page 18 Fourth paragraph should state "Council Member Pereira said that the Connecticut City and Town Development Act..."
- Page 18 Fourth paragraph last sentence should read "Pereira stated that I'm sure we all thought that voters were brilliant when they elected us to serve as their city council members in November and I would hope that we believe they are equally brilliant in deciding by referendum whether they want all these developers to get big tax breaks while making a profit while property owners are paying 100% of their taxes."
- Page 20 –Seventh paragraph first sentence should read "council member Pereira said that she had received a confidential memorandum from drafted by Terry O'Connor regarding the sale of suits suites that would not be part of the ticket sales, therefore the city would receive no ticket sales revenue on these suites and boxed seats including the admissions tax. Over the length of the lease developer Howard Saffon would generate at least \$12,000,000 in the sales of these suites and box seats while the City would receive zero."
- Page 21 Seventh paragraph second sentence should read "after weighting weighing both sides, he said..."
- Page 23 Fourth paragraph first sentence should read "council member Pereira said that they she had moved reviewed the agreement extensively."
- Page 25 The vote to approve Item 59-19- Five members voted against this Ordinance related to the Trust Act Enforcement. Maria Pereira voted to oppose, not in favor. Very important this be corrected.
- Page 26 The Motion to Approve Item 57-19 is incorrect. Martinez voted no.
- Page 27 & 28- Motion to Approve 61-19 is incorrect. Burns voted no.
- Page 28 Third paragraph first sentence should say "Council Member Pereira said that they would have to vote for by 2/3<sup>rd</sup> two-thirds to add it to the agenda to suspend the rules for immediate consideration."

- \*\* COUNCIL MEMBER NEWTON SECONDED.
- \*\* THE MOTION TO AMEND THE APRIL 20 MINUTES WITH THE SUBMITTED CHANGES PASSED UNANIMOUSLY.
- \*\* THE MOTION TO APPROVE THE APRIL 20, 2020 CITY COUNCIL MINUTES AS AMENDED PASSED UNANIMOUSLY.

# **PUBLIC HEARING(S) TO BE ORDERED BY THE FULL COUNCIL:**

- 92-19 Request from OPED to Order a Public Hearing for June 1, 2020 at 7:00 p.m. re: Proposed Resolution Approving Programs for Connecticut Neighborhood Assistance Tax Credit Program Applications.
- \*\* COUNCIL MEMBER NEWTON MOVED AGENDA ITEM 92-19 REQUEST FROM OPED TO ORDER A PUBLIC HEARING FOR JUNE 1, 2020 AT 7:00 P.M. RE: PROPOSED RESOLUTION APPROVING PROGRAMS FOR CONNECTICUT NEIGHBORHOOD ASSISTANCE TAX CREDIT PROGRAM APPLICATIONS.

  \*\* COUNCIL MEMBER HERRON SECONDED.

Council Member Pereira asked for clarification on the public hearing. [Inaudible]

Mr. Perez said that the State Tax Credits for non-profits. The non-profits can sell these to raise funds for whatever projects they are involved in. Council Member Pereira said that she could not find anything about this in her packet.

\*\* THE MOTION TO APPROVE AGENDA ITEM 92-19 REQUEST FROM OPED TO ORDER A PUBLIC HEARING FOR JUNE 1, 2020 AT 7:00 P.M. RE: PROPOSED RESOLUTION APPROVING PROGRAMS FOR CONNECTICUT NEIGHBORHOOD ASSISTANCE TAX CREDIT PROGRAM APPLICATIONS PASSED UNANIMOUSLY.

## ITEMS FOR IMMEDIATE CONSIDERATION:

Mayor Ganim said that Ms. DeJesus was present and these items are being presented for Immediate Consideration involved approvals for grant application submissions.

- 93-19 Communication from Central Grants re: Grant Submission: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding (CESF) FY 20 Program, FOR IMMEDIATE CONSIDERATION.
- 94-19 Communication from Central Grants re: Grant Submission: Regarding the National League of Cities Census Rapid Response Grant, FOR IMMEDIATE CONSIDERATION.
- 95-19 Communication from Central Grants re: Grant Submission: Application to the Department of Homeland Security Federal Emergency Management Agency (FEMA)

Fiscal Year 2020 Assistance to Firefighters Grant Program – COVID – 19 Supplemental (AFG-S), FOR IMMEDIATE CONSIDERATION.

- \*\* COUNCIL MEMBER HERRON MOVED TO SUSPEND THE RULES TO WAIVE THE REFERRAL TO COMMITTEE FOR THE FOLLOWING AGENDA ITEMS:
  - 93-19 COMMUNICATION FROM CENTRAL GRANTS RE: GRANT SUBMISSION: U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) FY 20 PROGRAM, FOR IMMEDIATE CONSIDERATION.
  - 94-19 COMMUNICATION FROM CENTRAL GRANTS RE: GRANT SUBMISSION: REGARDING THE NATIONAL LEAGUE OF CITIES CENSUS RAPID RESPONSE GRANT, FOR IMMEDIATE CONSIDERATION.
  - 95-19 COMMUNICATION FROM CENTRAL GRANTS RE: GRANT SUBMISSION: APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FISCAL YEAR 2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM COVID 19 SUPPLEMENTAL (AFG-S), FOR IMMEDIATE CONSIDERATION.
- \*\* COUNCIL MEMBER BRANTLEY SECONDED.
- \*\* THE MOTION TO SUSPEND THE RULES TO WAIVE THE REFERRAL TO COMMITTEE FOR THE AGENDA ITEMS 93-19, 94-19 AND 95-19 PASSED UNANIMOUSLY.
- \*\* COUNCIL MEMBER HERRON MOVED TO CONSOLIDATED AND APPROVE THE FOLLOWING AGENDA ITEMS:
  - 93-19 COMMUNICATION FROM CENTRAL GRANTS RE: GRANT SUBMISSION: U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) FY 20 PROGRAM, FOR IMMEDIATE CONSIDERATION.
  - 94-19 COMMUNICATION FROM CENTRAL GRANTS RE: GRANT SUBMISSION: REGARDING THE NATIONAL LEAGUE OF CITIES CENSUS RAPID RESPONSE GRANT, FOR IMMEDIATE CONSIDERATION.
  - 95-19 COMMUNICATION FROM CENTRAL GRANTS RE: GRANT SUBMISSION: APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FISCAL YEAR 2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM COVID 19 SUPPLEMENTAL (AFG-S), FOR IMMEDIATE CONSIDERATION.

- \*\* COUNCIL MEMBER BRANTLEY SECONDED.
- \*\* THE MOTION PASSED UNANIMOUSLY.

## **COMMUNICATIONS TO BE REFERRED TO COMMITTEES:**

- 91-19 Communication from City Attorney re: Proposed Software License and Support Agreement with EPR Systems USA Inc. regarding a Software Package called EPR FireWorks for the Fire Department, referred to Contracts Committee.
- 92-19 Communication from OPED re: Proposed Resolution Approving Programs for Connecticut Neighborhood Assistance Tax Credit Program Applications, referred to Economic and Community Development and Environment Committee.
- \*\* COUNCIL MEMBER NEWTON MOVED TO REFER THE AGENDA ITEMS TO COMMITTEE.
- \*\* COUNCIL MEMBER ROMAN-CHRISTY SECONDED.
- \*\* THE MOTION PASSED UNANIMOUSLY.

# MATTERS TO BE ACTED UPON (CONSENT CALENDAR):

- \*45-19 Ordinance Committee Report re: (Ref. #34-17 & #141-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.20 of the Municipal Code of Ordinances Tax Incentive Development Program.
- \*46-19 Ordinance Committee Report re: (Ref. #35-17 & #142-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.24 of the Municipal Code of Ordinances Affordable Housing Tax Incentive Development Program.
- \*72-19 Ordinance Committee Report re: Amendments to the Municipal Code of Ordinances, Chapter 3.20 Tax Incentive Development Program, amend Section 3.20.060 (G) Miscellaneous Provisions.
- \*73-19 Ordinance Committee Report re: Proposed Amendments to the Municipal Code of Ordinances, Chapter 3.24 Affordable Housing Tax Incentive Development Program, amend Section 3.24.040 (F) Miscellaneous.
- \*49-19 Economic and Community Development and Environment Committee Report re: Resolution Authorizing the Disposition of 398, 400, 430, 440, 448 and 454 Bunnell Street (the "Redevelopment Properties") within the Seaview Avenue Industrial Park.
- \*56-19 Miscellaneous Matters Committee Report re: Settlement of Pending Litigation with Wanda Lee Mendez.
- \*62-19 Miscellaneous Matters Committee Report re: Appointment of Kyle LaBuff (D) to the Planning & Zoning Commission.

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- \*83-19 Miscellaneous Matters Committee Report re: Appointment of Andrea Garcia to the Board of Assessment Appeals.
- \*51-19 Joint Committee on Miscellaneous Matters and Budget and Appropriations Report re: Revision necessitated by OPED noncompliance with Item #176-17 authorizing the Urban Enterprise Zone Assessment Deferral for Qualified Development located at 515 West Avenue.

Mayor Ganim asked if there was any Council Member who would like to remove an item from the Consent Calendar. Council Member Pereira requested that Agenda Items be removed from the Consent Calendar.

Council Member Pereira requested that the following Agenda Items be removed from the Consent Calendar: 45-19; 16-19; 72-19; 73-19; 49-19; 65-19; 66-19 and 51-19.

City Clerk Martinez read the remaining items into the record.

- \*\* COUNCIL MEMBER BRANTLEY MOVED THE FOLLOWING ITEMS AS THE CONSENT CALENDAR:
  - \*56-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: SETTLEMENT OF PENDING LITIGATION WITH WANDA LEE MENDEZ.
  - \*62-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: APPOINTMENT OF KYLE LABUFF (D) TO THE PLANNING & ZONING COMMISSION.
  - \*64-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: APPOINTMENT OF ANN BINKLEY (D) TO THE BOARD OF ASSESSMENT APPEALS.
  - \*83-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: APPOINTMENT OF ANDREA GARCIA TO THE BOARD OF ASSESSMENT APPEALS.
- \*\* COUNCIL MEMBER CASTILLO SECONDED.
- \*\* THE MOTION PASSED UNANIMOUSLY.

- 45-19 Ordinance Committee Report re: (Ref. #34-17 & #141-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.20 of the Municipal Code of Ordinances Tax Incentive Development Program.
- \*\* COUNCIL MEMBER BROWN MOVED AGENDA ITEM 45-19 ORDINANCE COMMITTEE REPORT RE: (REF. #34-17 & #141-16) RESOLUTION REGARDING THE REVERSAL OF THE 2017 AMENDMENTS TO CHAPTER 3.20 OF THE MUNICIPAL CODE OF ORDINANCES TAX INCENTIVE DEVELOPMENT PROGRAM.
- \*\* COUNCIL MEMBER BRANTLEY SECONDED.

Council Member Pereira stated that this was a resolution submitted to the City Clerk on January 9, 2018 from Council Member Newton and Council Member Martinez. The resolution specifically states that they wanted to reverse all the ordinances related to the tax [inaudible] development programs. The City Charter clearly says that in order to do that, every word removed has to be in brackets, every word added has to be underscored. This was not done in any way, shape or form.

In addition, regarding the legal opinion, Pullman and Comley was involved in reviewing the ordinances despite the fact that the City Charter says that only the City Attorney shall do it.

More importantly, it doesn't refer the amendment to the [inaudible] 2017. It actually gives OPED and ultimately, you, significantly more [inaudible]. So this was presented to us in violation to the City Charter and specifically gives more power to OPED to literally make all the decisions related [inaudible] tax incentives and what doesn't. This is no way complies with the [inaudible] sponsored regarding the amendments of these ordinances.

Mayor Ganim said that he was not certain the stenographer or the City Clerk could hear all of Council Member Pereira's comments.

Council Member Pereira repeated that Agenda Item 45-19 had been submitted by Council Member Newton and co-sponsored by Council Member Martinez on January 8, 2018. The ordinance specifically requested that all the [inaudible] amendments adopted in 2017 regarding municipal tax incentive developments programs be reversed. Instead, what is being presented here actually even gives more power and authority to OPED and eventually the Mayor and they omitted [inaudible] in violation of the City Charter where they are required to use brackets. They just lined out whole paragraphs where much of the wording they kept and they wrote whole new paragraphs. So people cannot easily see the changes and the City Charter specifically says that omitted language must be in brackets and new language must be underscored or capitalized. This amendment has two paragraphs that specifically says the public would have a 30 day period before any changes were made to any proposed policies or procedures related to adopting the tax incentive [inaudible] program and the tax [inaudible] personal fine had to submit all of this information; a letter, documentation – all of that has been removed. So this is less power for the public and the City Council and incredible power for OPED and eventually, the Mayor because the Mayor has the sole authority to approve it. So this is not what was proposed in the resolution submitted by Council Member Newton and co-sponsored by Council Member Martinez.

Council Member Brown said that he wanted to be clear that Agenda Items 45-19 and 46-19 were resolutions that were submitted by Council Member Newton and nowhere in the Charter does it state that a resolution needs to have brackets, lines or anything that the Council Member just mentioned. He said that he thought Council Member Pereira was referring to Agenda Items 72-19 and 73-19. Agenda Items 45-19 and 46-19 were just resolutions submitted by Council Member Newton.

\*\* THE MOTION TO APPROVE AGENDA ITEM 45-19 ORDINANCE COMMITTEE REPORT RE: (REF. #34-17 & #141-16) RESOLUTION REGARDING THE REVERSAL OF THE 2017 AMENDMENTS TO CHAPTER 3.20 OF THE MUNICIPAL CODE OF ORDINANCES – TAX INCENTIVE DEVELOPMENT PROGRAM PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).

Council Member Pereira said that she was trying to understand that these resolutions that were already referred to Committee in January of 2018. She did not understand why these resolutions being adopted when the subject of the resolution involved ordinances. She said that it should simply be the ordinances reported out of Committee.

- 46-19 Ordinance Committee Report re: (Ref. #35-17 & #142-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.24 of the Municipal Code of Ordinances Affordable Housing Tax Incentive Development Program.
- \*\* COUNCIL MEMBER BROWN MOVED TO APPROVE THE AGENDA ITEM 46-19 ORDINANCE COMMITTEE REPORT RE: (REF. #35-17 & #142-16) RESOLUTION REGARDING THE REVERSAL OF THE 2017 AMENDMENTS TO CHAPTER 3.24 OF THE MUNICIPAL CODE OF ORDINANCES AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAM.
- \*\* COUNCIL MEMBER BRANTLEY SECONDED.

Council Member Pereira said that there was nothing reversing the proposal in this item.

Council Member Brown said that at the bottom of the page of the resolution there was language that would address her concerns.

Council Member Newton said that the ordinance was changed earlier. He explained that he was not sworn in until December 2017, but the law was changed before. After that, they instructed the City Attorney's Office to change things back. With the amphitheater, OPED realized that they did not have the authority to approve the amphitheater. This was why OPED brought it to the Council.

\*\* THE MOTION TO APPROVE AGENDA ITEM 46-19 ORDINANCE COMMITTEE REPORT RE: (REF. #35-17 & #142-16) RESOLUTION REGARDING THE REVERSAL OF THE 2017 AMENDMENTS TO CHAPTER 3.24 OF THE MUNICIPAL CODE OF

ORDINANCES – AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAM PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).

72-19 Ordinance Committee Report re: Amendments to the Municipal Code of Ordinances, Chapter 3.20 – Tax Incentive Development Program, amend Section 3.20.060 (G) – Miscellaneous Provisions.

\*\* COUNCIL MEMBER BROWN MOVED TO APPROVE AGENDA ITEM 72-19 ORDINANCE COMMITTEE REPORT RE: AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.20 – TAX INCENTIVE DEVELOPMENT PROGRAM, AMEND SECTION 3.20.060 (G) – MISCELLANEOUS PROVISIONS. \*\* COUNCIL MEMBER BRANTLEY SECONDED.

Council Member Pereira objected. [Inaudible]

Council Member Newton said that when the former Council adopted the ordinance, OPM put some perimeters and now they have some criteria for developers. He said that he wants to make sure that OPED does not have the authority to approve PILOTs. With the amphitheater, OPED realized that they did not have the authority to approve the amphitheater. This was why OPED brought it to the Council.

Council Member Lyons said that she had voted against the proposal when it was originally proposed. She said that she would be voting against 72-19 and 73-19 until there is more clarification.

Council Member Castillo said that he had voted for it. The Council never gave OPED power. What they gave OPED the ability to negotiate with the Developers before coming to the Council. The timeline was frustrating the developers. The Council retained the power.

Council Member Burns said that along with Council Member Castillo, he thought this would be instrumental in attracting developers. He said that he had reviewed the item and it returns power to the Council. He pointed out that this was not a PILOT, but a Tax Incentive. Harbor Yard was a totally different situation.

Atty. Anastasi reviewed what was reflected in the ordinance with the Council Members. He explained that OPED does not have any authority, but it helps with the preliminary approval. Either way, the Council has the final say.

Council Member Newton asked Atty. Anastasi if the Council had the final vote. Atty. Anastasi said that the Council would have the final vote.

Council Member Pereira said that she was 100% against this and stated Atty. Anastasi was incorrect.

- \*\* THE MOTION TO APPROVE AGENDA ITEM 72-19 ORDINANCE COMMITTEE REPORT RE: AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.20 TAX INCENTIVE DEVELOPMENT PROGRAM, AMEND SECTION 3.20.060 (G) MISCELLANEOUS PROVISIONS PASSED WITH SIXTEEN (16) IN FAVOR (BURNS, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON)AND FOUR (4) OPPOSED (LYONS, PEREIRA, DEFILIPPO, AND MCCARTHY).
- 73-19 Ordinance Committee Report re: Proposed Amendments to the Municipal Code of Ordinances, Chapter 3.24 Affordable Housing Tax Incentive Development Program, amend Section 3.24.040 (F) Miscellaneous
- \*\* COUNCIL MEMBER BROWN MOVED AGENDA ITEM 73-19 ORDINANCE COMMITTEE REPORT RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.24 AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAM, AMEND SECTION 3.24.040 (F) MISCELLANEOUS.
- \*\* COUNCIL MEMBER HERRON SECONDED.

Council Member Pereira listed her objections to the Agenda Item.

Council Member Brown said that the language that Council Member Pereira was reading was referring to the previous ordinance.

- \*\* THE MOTION TO APPROVE AGENDA ITEM 73-19 ORDINANCE COMMITTEE REPORT RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.24 AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAM, AMEND SECTION 3.24.040 (F) MISCELLANEOUS PASSED WITH SIXTEEN (16) IN FAVOR (BURNS, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND FOUR (4) OPPOSED (LYONS, PEREIRA, DEFILIPPO, AND MCCARTHY).
- 49-19 Economic and Community Development and Environment Committee Report re: Resolution Authorizing the Disposition of 398, 400, 430, 440, 448 and 454 Bunnell Street (the "Redevelopment Properties") within the Seaview Avenue Industrial Park.
- \*\* COUNCIL MEMBER BURNS MOVED AGENDA ITEM 49-19 ECONOMIC AND COMMUNITY DEVELOPMENT AND ENVIRONMENT COMMITTEE REPORT RE: RESOLUTION AUTHORIZING THE DISPOSITION OF 398, 400, 430, 440, 448 AND 454 BUNNELL STREET (THE "REDEVELOPMENT PROPERTIES") WITHIN THE SEAVIEW AVENUE INDUSTRIAL PARK.

## \*\* COUNCIL MEMBER NEWTON SECONDED.

Council Member Pereira then spoke about the value of the parcels and questioned the price that was set. Mr. Perez said that they were selling the lots for the appraised value.

Council Member Brantley asked Mr. Perez why they were selling the lots at that price. Mr. Perez explained that they can only sell City property at the appraised value.

Council Member Brantley asked what the anticipated tax revenue was. Mr. Perez said that at the end of the day, it would \$1.5 million and reviewed what the percentages would be for the City. The two smaller lots that McBride was taking was harder to estimate because McBride is part of the larger building.

Council Member Brantley said that this means that this development will be bringing jobs to the East End.

Council Member Newton said that he was supporting this project. Now there are two people willing to put skin in the game and help the community develop jobs in the City. He asked his colleagues to vote in favor of this. This will make that corner become productive and bring in tax revenue.

Council Member Pereira said the appraisal she saw that were significantly higher than the appraised sale price.

\*\* THE MOTION TO APPROVE AGENDA ITEM 49-19 ECONOMIC AND COMMUNITY DEVELOPMENT AND ENVIRONMENT COMMITTEE REPORT RE: RESOLUTION AUTHORIZING THE DISPOSITION OF 398, 400, 430, 440, 448 AND 454 BUNNELL STREET (THE "REDEVELOPMENT PROPERTIES") WITHIN THE SEAVIEW AVENUE INDUSTRIAL PARK PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).

65-19 Miscellaneous Matters Committee Report re: Settlement of Pending Litigation with Thomas Austin.

\*\* COUNCIL MEMBER BURNS MOVED TO APPROVE AGENDA ITEM 65-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: SETTLEMENT OF PENDING LITIGATION WITH THOMAS AUSTIN.

\*\* COUNCIL MEMBER BRANTLEY SECONDED.

Council Member Pereira expressed concern about the City having to settle lawsuits with former employees.

- \*\* THE MOTION TO APPROVE AGENDA ITEM 65-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: SETTLEMENT OF PENDING LITIGATION WITH THOMAS AUSTIN PASSED UNANIMOUSLY.
- 66-19 Miscellaneous Matters Committee Report re: Settlement of Pending Litigation with Carmelo Mendez.
- \*\* COUNCIL MEMBER NEWTON MOVED AGENDA ITEM 66-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: SETTLEMENT OF PENDING LITIGATION WITH CARMELO MENDEZ.
- \*\* COUNCIL MEMBER CRUZ SECONDED.

Council Member Pereira said that she will be voting in favor of this settlement. However, if she was the plaintiff, she would be rejecting the settlement and going to trial.

- \*\* THE MOTION TO APPROVE AGENDA ITEM 66-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: SETTLEMENT OF PENDING LITIGATION WITH CARMELO MENDEZ PASSED UNANIMOUSLY.
- 51-19 Joint Committee on Miscellaneous Matters and Budget and Appropriations Report re: Revision necessitated by OPED noncompliance with Item #176-17 authorizing the Urban Enterprise Zone Assessment Deferral for Qualified Development located at 515 West Avenue.
- \*\* COUNCIL PRESIDENT NIEVES MOVED AGENDA ITEM 51-19 JOINT COMMITTEE **MISCELLANEOUS MATTERS AND** ON AND BUDGET APPROPRIATIONS REPORT REVISION **NECESSITATED**  $\mathbf{BY}$ RE: **OPED** NONCOMPLIANCE WITH ITEM #176-17 **AUTHORIZING** THE **URBAN** ENTERPRISE ZONE ASSESSMENT DEFERRAL FOR QUALIFIED DEVELOPMENT LOCATED AT 515 WEST AVENUE.
- \*\* COUNCIL MEMBER NEWTON SECONDED.

Council Member Pereira said that she looked at the tax records and listed the numbers of units. In 2018, they received a credit of over \$3 million and only paid [inaudible] and paid only 8% of the tax bill. [inaudible]For them to save millions and only pay 8% of their taxes while others are struggling to keep their homes is [inaudible] vote against.

Council Member Lyons said that it does not say that in the document. Mr. Coleman said that the project at 515 West Avenue needed the Enterprise Zone designation. Due to a delay in the application, the Tax Assessor announced that they could not apply the designation retroactively. He gave the details of the issue and said that there would be schedules by OPED. Council Member Lyons said that this was the way to set things back on track.

Council Member Newton asked everyone to support this. Bridgeport Neighborhood Trust (BNT) has done many projects in the City and they have done great work in his district. When

people want to do things to benefit the City, they need to take a step back. Even though he is a taxpayer, he wants the city to look nice.

Council Member Pereira said that for an entity that has Section 8 and makes [inaudible] full market rate [inaudible] 8.5% percent [inaudible] cannot justify that to her constituents.

Council President Nieves said that the point was not the tax abatement. This is to retroactively fix the ordinance for the BNT. They will be doing the 10, 15, and 20-year payments in a different action. This has to be done in a separate action. She said that this issue dates back to 2015 during the previous administration. Council President Nieves said that she understood the concerns expressed by Council Member Pereira and Council Member Lyons. There will be a second part to this situation. The judge ordered that the matter come back to the City.

Council Member Castillo said that if this is not approved, the property will go into foreclosure and the residents will end up on the streets.

Council Member Brantley said that this had been discussed in Committee. She said that BNT had been a good, positive force in support the youth and preventing young people who are leaving DSS care and others who have been thrown out of their homes from becoming homeless.

\*\* THE MOTION TO APPROVE AGENDA ITEM 51-19 JOINT COMMITTEE ON MISCELLANEOUS MATTERS AND BUDGET AND APPROPRIATIONS REPORT RE: REVISION NECESSITATED BY OPED NONCOMPLIANCE WITH ITEM #176-17 AUTHORIZING THE URBAN ENTERPRISE ZONE ASSESSMENT DEFERRAL FOR QUALIFIED DEVELOPMENT LOCATED AT 515 WEST AVENUE PASSED WITH EIGHTEEN (1) IN FAVOR (BURNS, MCCARTHY, CRUZ, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON), ONE (1) ABSTENTION (TAYLOR-MOYE) AND ONE (1) OPPOSED (PEREIRA).

# **MATTERS TO BE ACTED UPON:**

- 63-19 Miscellaneous Matters Committee Report re: Appointment of Michael Nastu (R) to the Zoning Board of Appeals.
- \*\* COUNCIL MEMBER BURNS MOVED TO APPROVE AGENDA ITEM 63-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: APPOINTMENT OF MICHAEL NASTU (R) TO THE ZONING BOARD OF APPEALS. \*\* COUNCIL MEMBER CASTILLO SECONDED.

Council Member Pereira said that she had asked what his qualifications were and he has none.

\*\* THE MOTION TO APPROVE AGENDA ITEM 63-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: APPOINTMENT OF MICHAEL NASTU (R) TO THE ZONING BOARD OF APPEALS PASSED WITH EIGHTEEN (18) IN FAVOR

(BURNS, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND TWO (2) OPPOSED (MCCARTHY AND PEREIRA).

- \*\* COUNCIL MEMBER BURNS MOVED TO SUSPEND THE RULES TO ADD ITEM PROPOSED GENERAL FUND BUDGET FOR FISCAL YEAR 2020-2021 TO THE AGENDA.
- \*\* COUNCIL MEMBER HERRON SECONDED.
- \*\* THE MOTION PASSED UNANIMOUSLY.
- 68-19 Proposed General Fund Budget for Fiscal Year 2020-2021
- \*\* COUNCIL MEMBER BURNS MOVED TO AMEND68-19 FOR PURPOSES OF TRANSFERRING THE DEPARTMENT OF AGING FROM PUBLIC FACILITIES TO SOCIAL SERVICES.
- \*\* COUNCIL MEMBER HERRON SECONDED.
- \*\* COUNCIL MEMBER BURNS MOVED TO AMEND AGENDA ITEM 68-19 PROPOSED GENERAL FUND BUDGET FOR FISCAL YEAR 2020-2021 FOR ADJUSTING THE REVENUE AND APPROPRIATION CHANGES REFLECTING THE LINE ITEMS FOR THE TWO DEPARTMENTS DEPARTMENT OF AGING AND WEIGHTS AND MEASURES.
- \*\* COUNCIL MEMBER NEWTON SECONDED.
- \*\* THE MOTION TO AMEND AGENDA ITEM 68-19 PROPOSED GENERAL FUND BUDGET FOR FISCAL YEAR 2020-2021 FOR ADJUSTING THE REVENUE AND MAKING APPROPRIATION CHANGES REFLECTING THE LINE ITEMS FOR THE TWO DEPARTMENTS DEPARTMENT OF AGING AND WEIGHTS AND MEASURES PASSED WITH SEVENTEEN (17) IN FAVOR (BURNS, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND THREE (3) OPPOSED (DEFILIPPO, MCCARTHY AND PEREIRA).
- \*\* COUNCIL MEMBER NEWTON MOVED TO AMEND THE EXPENDITURE DECREASES REGARDING THE DEPARTMENT OF AGING AND THE DEPARTMENT OF WEIGHTS AND MEASURES.
- \*\* COUNCIL MEMBER HERRON SECONDED.

Council Member Pereira asked if they had received a document about Weights and Measures and Department of Aging.

Council Member Burns said that there had been discussion about moving the Department of Aging and Weights and Measures.

Council Member Pereira asked if there was any documentation sent out to the Council Members today. Mr. Nkwo said that it was on the last page and is noted under Council Member Pereira spoke about the Legislative Intent and asked why this was being done. The Department of Aging had nothing to do with Public Health.

Council Member Newton said that the Department of Aging should be under the Health Department.

\*\* THE MOTION TO AMEND AGENDA ITEM 68-19 PROPOSED GENERAL FUND BUDGET FOR FISCAL YEAR 2020-2021 TO AMEND THE EXPENDITURE DECREASES REGARDING THE DEPARTMENT OF AGING AND THE DEPARTMENT OF WEIGHTS AND MEASURES PASSED WITH SEVENTEEN (17) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND THREE (3) OPPOSED (DEFILIPPO, LYONS, AND PEREIRA).

#### Revenue increases

# \*\* COUNCIL MEMBER HERRON MOVED TO APPROVE THE FOLLOWING REVENUE INCREASES:

GENERAL FUND INCREA	SES		,			
		have the power to increase any line item ive vote of the entire members of the City		new line items		
"BAC" VOTE NUMBER (a.)						
Budget & Appropriation	s Committee Vote o	f General Fund Revenue Increases:				
There are adjustments to th Committee changes.	e Mayor's Proposed B	udget for general fund purposes as detai	led by the Budget & A	ppropriations		
Department	Account # Obje	ct Object / Description	FY2020 Mayor's Proposed	FY2021 BAC Proposed Amount	BAC Increases	Descriptions
Tax Collector Tax Collector Economic Development	01040000	41693 Current Taxes City Side 41265 Personal Property Audit 45138 Annual Pilot Rent-Amphitheater	314,973,906 500,000 150,000	316,379,903 759,000 250,000	250,000	Reduce Mayor's Proposed tax cut from .25mill to .0=53.99 mills \$250k City will expand and do more personal property audits \$100k rent increase based on revised contract
Total Revenue Increases	i		315,623,906	317,379,903	1,755,997	<del>,</del>

# \*\* COUNCIL MEMBER VIZZO-PANICCIA SECONDED.

\*\* THE MOTION TO APPROVE THE REVENUE INCREASES PASSED WITH EIGHTEEN (18) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND TWO (2) OPPOSED (DEFILIPPO, AND PEREIRA).

#### **Revenue decreases**

\*\* COUNCIL MEMBER HERRON MOVED TO APPROVE THE FOLLOWING REVENUE DECREASES:

#### GENERAL FUND DECREASES

Pursuant to the City Charter, the City Council Budget & Appropriations Committee reports its changes to the City Council as a whole in the form of budget amendment resolution. The City Council has the power to reduce or delete any line item in the budget recommended by the Mayor by a majority yote of the council members present and votina.

#### REVENUE DECREASES (b)

Budget & Appropriations Committee Vote of General Fund Revenue Decreases

Below are adjustments to the Mayor's Proposed Budget for general fund purposes as detailed by the City Council's Budget & Appropriations Committee:

Department	Account #	Object / Description	FY2020 Mayor's. Proposed Budget	FY2021 BAC Proposed Amount	BAC Decreases	Descriptions
REVENUE DECREASES:						
Board Of Education	01863000	41549 Billed Services	434,000	0	-434,000	The City will let Board of Education use the funds
Comptroller Office	01010000	41562 Debt Service Reimbursement	3,379,690	2,379,690	-1,000,000	Developer might not be able to refinance all their debt
Economic Development	01455000	41527 Non-Residential Additions	1.000,000	900,000	~100,000	Reduction based on economic condition & Coyig19 effect
Public Facilities Admin.	01300000	41650 Parking Violations	1,450,000	1,250,000	~200,000	Reduction based on economic condition
Public Facilities Admin.	01300000	41664 Parking Meters Collections	425,000	350,000	-75,000	Reduction based on economic condition
Parks Administration	01355000	41623 Seaside and Beardsley Checkpoint	400,000	350,000	-50,000	Revenue projection too high due to Covid19 effect
Parks Administration	01355000	41635 Fairchild Wheeler Golf Course	1,500,000	1,300,000	-200,000	Revenue projection too high due to Covid19 effect
Total Revenue Decreases			8,588,690	6,529,690	-2,059,000	<del>.</del> -
Net Revenue Incr.(Decr.)					-303,003	<del>,</del>

## \*\*COUNCIL MEMBER CASTILLO SECONDED.

Council Member Pereira said that the Board of Education never paid for the SROs. They never voted to approve that.

Council Member Lyons said that she did not see anything in the Revenue Decreases that had to do with the Board of Education. Council Member Pereira said that it was on the top of page two.

\*\* THE MOTION TO APPROVE THE REVENUE DECREASES PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).

#### **Appropriations increases**

\*\* COUNCIL MEMBER HERRON MOVED TO APPROVE THE FOLLOWING APPROPRIATION INCREASES:

Budget & Appropriations Committee Vote of General Fund Appropriation Increases

Below are the adjustments to the Mayor's Recommended Budget for general fund purposes as detailed by the City Council Budget

& Appropriations Committee:

EX2021 Rec

			FY2020 Mayor's	FY2021 BAC	
_			Proposed	Proposed	
Department	Account #	Object / Description	Budget	Amount	BAC Increases Descriptions
Police Department	01250000	56180 Other Services	54,000	64,000	-10,000 Increase needed for employees drug testing.
Roadway Maintenance	01320000	S1100 P/T Temp/Seasonal Earn Pav	180,800	250,800	
Parks Maintenance	01356000	51100 P/T Temp/Seasonal Earn Pay	508,000	578,000	
Public Facilities Admin	01300000	\$1000 Salary	1,749,236	1,791,684	
Public Facilities Admin	01300000	52360 Medicare	22,470	23,085	
Public Facilities Admin	01300000	S2S04 Medicare S2S04 Menf	283,475	290,432	
Public Facilities Admin	01300000	52917 Health Insurance	293,539	316,004	
Engineering Department	01385000	S1000 Salary	723,487	805,897	
Engineering Department	01385000	52360 Medicare	9,566	10,861	
Engineering Department	01385000	52504 Meri Pension Contribution	119.194	132,701	
Engineering Department	01385000	52917 Health Insurance	145,745	168,110	
Economic Development	01450000	S1000 Salary	1,392,877	1,465,655	
Economic Development	01450000	\$2360 Medicare	18,220	19.275	
Economic Development	01450000	52504 Merf Pension Contribution	218,114	230,042	
Economic Development	01450000	52504 Merr rension Contribution 52917 Health Insurance	310,352	332,717	
General Purpose Bond	01600000	53205 Debt Refinancing	-2.500,000	-2.000.000	
Other Financing Services	01510000	50700 Attrition	-2,500,000	-1,817,861	
Light House/Youth Services	01510000	50200 Attrition 56240 Transportation Services	000,008,2-	-1,817,861 500,000	
Board of Education	01896000	56180 Other Services	40,000	290,000	
Tax Assessor				657,405	
	01041000 01041000	\$1000 Salary \$2360 Medicare	632,405	9,072	
Tax Assessor WEIGHTS & MEASURES(HEAR			8,710	9,072	-362 Medicare cost for the part-time clerical assistant position
	0155777	51000 Salary	n		
Weights & Measures			0	122,782	
Weights & Measures	01557777	S1140 Longevity Pay	0	750	
Weights & Measures	01557777	51156 Unused Vacation Time Payout	0	0	
Weights & Measures	01557777	52360 Medicare	0	1,546	
Weights & Measures	01557777	52360 Social Security	0	3,247 20,248	
Weights & Measures	01557777	52504 Merf Pension Contribution	0	20,248 31,799	
Weights & Measures		52917 Health Insurance	0		
Weights & Measures	01557???	54675 Office Supplies	0	466	<ul> <li>466 Legislative intent is to transfer Weights&amp;Measures from Public Safety to Health&amp; Soc. Service</li> </ul>
Organization acct# to be cr	eated in FY21				
DEPARTMENT OF AGING ((H	EALTH&SOCIAL:	SERVICES)			
					Legislative Intent is to transfer Opt of Aging from Public Facility to Health@Social Services.
Department of Aging	0155????	51000 Salary	0	452,829	
Department of Aging	01557777	51099 Contracted Salary	0	1,002	
Department of Aging	0155????	51100 P/T Temp/Seasonal Earn Pay	0	7,280	<ul> <li>-7,280 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&amp;Social Services</li> </ul>
Department of Aging	01557777	S1140 Longevity Pay	0	7,500	
Department of Aging	0155????	51156 Unused Vacation Time Payout	0	0	
Department of Aging	01557777	52360 Medicare	0	5,993	-5,993 Legislative Intent is to transfer Opt of Aging from Public Facility to Health&Social Services
Department of Aging	015-577?7	52385 Social Security	0	5,018	-5,018 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services
Department of Aging	01557???	52504 Merf Pension Contribution	0	59,375	<ul> <li>-59,375 Legislative Intent is to transfer Qpt of Aging from Public Facility to Health&amp;Social Services</li> </ul>
Department of Aging	01557777	52917 Health Insurance City Share	0	130,962	<ul> <li>130,962 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&amp;Social Services</li> </ul>
Department of Aging	01557777	53725 Television Services	0	3,700	-3,700 Legislative Intent is to transfer Opt of Aging from Public Facility to Health&Social Services
Department of Aging	0155????	53905 Employee Tuition/Travel Reimb	0	200	-200 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health@Social Services
Department of Aging	01557777	54675 Office Supplies	0	2,800	-2,800 Legislative Intent is to transfer Opt of Aging from Public Facility to Health&Social Services
Department of Aging	0155????	55010 Arts and Crafts Equipment	0	1,200	
Department of Aging	0155????	56170 Other Maintenance & Repairs	ō	100	
Department of Aging	01557777	59500 Supportive Contribution	0	1,000	-1,000 Legislative Intent is to transfer ppt of Aging from Public Facility to Health&Social Services
Organization acct# to be cr		**			
Total Expenditure Increases			410.390	4.977.676	-4,567,286
Total Expenditure Increases	•		410,390	-1,29777070	- 1,30 t ja 0 t

# \*\* COUNCIL MEMBER NEWTON SECONDED.

Council Member Burns said that the amendment would change the final figures.

Council Member Pereira asked how the number would have changed from 2:00 o'clock that afternoon. Council Member Burns said that they were transferring two departments from one group to another. When they zero out the department the transfer is coming from and there will be a change. He outlined the details.

\*\* THE MOTION TO APPROVE THE APPROPRIATION INCREASES PASSED WITH SIXTEEN (16) IN FAVOR (CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND FOUR (4) OPPOSED (BURNS, PEREIRA, DEFILIPPO, AND MCCARTHY).

## **Appropriations decreases**

\*\* COUNCIL MEMBER HERRON MOVED TO APPROVE THE APPROPRIATION DECREASES:

Budget & Appropriations Committee Vote Of General Fund Appropriation Decreases

Below are the adjustments to the Mayor's Recommended Budget for general fund purposes as detailed by the City Council Budget. & Appropriations Committee:

			FY2021 Mayor's	FY2021 BAC		
epartment	Account #	Object / Description	Proposed Budget	Proposed Amount	BAC Decreases	Descriptions
gistrar of Voters	01050000	51000 Full Time Salary	421,703	379,255		Unfund one Clerical Assistant position
gistrar of Voters	01050000	52360 Medicare	4,237	3,622	615	Medicare savings associated with unfunding Clerical Asst.
gistrar of Voters	01050000	S2504 Merf Pension Contribution	50,298	43,341	6,957	Merf savings associated with unfunding Clerical Assistant
gistrar of Voters	01050000	S2917 Health Insurance	47,595	25,230		Health Ins. savings associated with <u>unfunding</u> Clerical Asst.
y Attorney	01060000	53010 Personal Property Claims	1,450,000	1,400,000		Reduce claims account by \$50k due to new attorneys hires
y Attorney	01060000	56130 Legal Services	650,000	625,000	25,000	Reduce Legal Services account by \$25k due to new attorneys hires
or Relations	01085000	56180 Other Services	275,000	225,000	50,000	Reduce amount by \$50k due to new attorney hired
ef Admin. Officer	01105000	51000 Salary	846,661	727,647		Unfund Vacant Director of Public Safety position in FY21
ief Admin. Officer	01105000	52360 Medicare	11,454	9,739		Medicare savings due to <u>unfunding</u> Dir. Of Public Safety
ief Admin. Officer	01105000	52504 Meri Pension Contribution	139,085	119,579		Merf savings due to unfunding Dîr. Of Public Safety
ief Admin. Officer	01105000	52917 Health Insurance	112,716	90,351		Health Ins. savings due to <u>unfunding</u> Dir. Of Pub. Safety
lice Department	01250000	51108 Inside Overtime	2,221,959	2,021,959	200,000	Reduce Mayor's recommended overtime by \$200k
lice Department.	01250000	54615 Gasoline	570,000	560,000		Reduced due to one yr. locked lower price negotiated
ice Department	01250000	51318 Personal Day Payout/Retirement:	800,040	775,040	25,000	Reduce personal day payout amount by \$25k due to less retirement
ice Department	01250000	51322 Holiday Payout Retirement	1,050,000	1,000,000	50,000	Reduce Holiday payout/retirement payout amount by \$50k less retirement
Department	01260000	51108 Inside Overtime	3,850,000	3,750,000		Reduce Mayor's recommended overtime by \$100k
e Department	01260000	54610 Diesel	100,600	96,000	4,600	Reduced due to one yr. locked lower price negotiated
ricipal Garage	01305000	54610 Diesel	390,000	380,000	10,000	Reduced due to one yr. locked lower price negotiated
nicipal Garage	01305000	54615 Gasoline	159,000	155,000	4,000	Reduced due to one yr. locked lower price negotiated
dway Maintenance	01320000	51000 Salary	2,088,499	2,017,025	71,474	Unfund & Transfer 2 filled Maintainer 1(Grade 1) to Parks Maint,
dway Maintenance	01320000	52360 Medicare	28.892	27,856		Medicare savings due to unfunding 2 filled Maintainer 1(Grade 1)
dway Maintenance	01320000	52504 Merf Pension Contribution	324,555	312,841	11,714	Merf savings due to unfunding 2 filled Maintainer 1(Grade 1)
dway Maintenance	01320000	52917 Health Insurance	684,813	640,083		Health savings due to unfunding 2 filled Maintainer 1(Grade 1)
dway Maintenance	01320000	51111 Snow Removal Overtime	250,000	200,000	50,000	Reduce Mayor Recomm. Snow Removal Overtime budget by \$50k
nicipal Garage	01305000	59005 Vehicle Maintenance Services	287.000	262,000		Reduce Vehicle Maint, by \$25k due to hiring 2 new Fleet mechanics
nicipal Garage	01305000	51108 Regular 1.5x Overtime Pay	63,100	43,100		Reduce overtime by \$20k due to hiring 2 new Fleet mechanics
portive Contributions	01620000	59500 Supportive Contributions	245,000	225,000		Reduce Supportive Contributions account, less supportive Contributions
itation/Recycling	01325000	S9005 Vehicle Maintenance Services	68,400	63,400	5,000	Reduced due to hiring 2 new mechanics
nsfer Station	01330000	S9005 Vehicle Maintenance Services	55,000	50,000		Reduced due to hiring 2 new mechanics
ks Maintenance	01356000	51000 Salary	755,198	719,461		Unfund   Maintainer 1 (Grade 1) position in FYZ1
ks Maintenance	01356000	52360 Medicare	16.505	15,987		Medicare savings due to unfunding I Maintainer 1 Grade 1
ks Maintenance	01356000	52504 Merit Pension Contribution	112,122	106,265		Merf savings due to unfunding I Maintainer 1 Grade 1
is Maintenance	01356000	52917 Health Insurance	299,673	277,308		
ks Maintenance	01356000	S6125 Landscaping Services	320,000	260,000	22,303	Health Ins. savings due to <u>unfunding</u> 1 Maintainer 1 Grade 1   City will do some tree stump grinding in house
nomic Development	01450000	51000 Salary	1.392.877	1,300,517		
nomic Development	01450000	52360 Medicare	18,220	16,881	92,300	<u>Unfund</u> vacant project manager position   Medicare savings for <u>unfunding</u> Project Manager Position
nomic Development nomic Development	01450000	52504 Merf Pension Contribution	218,114	202,977	1,339	Medicare savings for unfunding Project Manager Position  Merf pension savings for unfunding Project Manager Position
nomic Development	01450000	52504 Merr Pension Contribution 52917 Health Insurance	310.352	287,987		
	01450000		365,000	275,000		Health Ins. savings for unfunding Project Manager Position
priomic Development her Financing Services	01450000 58	56160 Marketing Services 577 Mayor's Initiative Covid19	000,000	-2.000,000		Legislative intent is to reduce proposed amount by \$100k
		Mayor's initiative Covidity	0			Mayoral Actions due to Coyid 19 Effect/Impact
isions IGHTS & MEASURES(Public	01086000	52917 Health Insurance City Share	U	-600,000	600,000	Anticipated Health Insurance Savings due to lag in filling vacant positions
ights & Measures	01285000	\$1000 Salary	122,782	0	122.703	Contribution Comments and Associated Management Comments of Contribution of Co
gnts & Measures ghts & Measures	01285000	S1140 Longevity Pay	750	Ů	122,782	Legislative intent is to transfer Weights& Measures from <u>Pulic</u> Safety to Health& Soc. S Legislative intent is to transfer Weights& Measures from <u>Pulic</u> Safety to Health& Soc. S
ights & Measures	01285000	S1146 Unused Vacation Time Payout	/30	0	/30	Legislative intent is to transfer weights& Measures from Pulic Safety to Health& Soc. 5
ights & Measures	01285000	S2360 Medicare	1.546	ň		Legislative intent is to transfer Weights& Measures from Pulic Safety to Health& Soc. 5
ghts & Measures	01285000	52360 Social Security	3,247	ů.	1,540	Legislative intent is to transfer Weights& Measures from Pulic Safety to Health& Soc. 5
ights & Measures	01285000	52504 Merf Pension Contribution	20.248	0	2,447	Legislative intent is to transfer Weights& Measures from Pulic Safety to Health& Soc. 5
	01285000	52917 Health Insurance	31.799	0	20,240	Legislative intent is to transfer weights a measures from Full Safety to realth Soc. 5
ghts & Measures ghts & Measures	01285000	54675 Office Supplies	456	0	31,733	l Legislative intent is to transfer Weights& Measures from Pulic Safety to Health& Soc. 5 i Legisfative intent is to transfer Weights& Measures from Pulic Safety to Health& Soc. 5
		34073 Office supplies	400	U	400	registative intent is to transfer weights a weasures from pure safety to realing soc. 3
PARTMENT OF AGING((PU)						
partment of Aging	01351000	51000 Salary	500,094	0	500,094	I Legislative Intent is to transfer Dot of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	51099 Contracted Salary	1,002	0	1,002	2 Legislative intent is to transfer <u>Opt</u> of Aging from Public Facility to Health@Social Serv
partment of Aging	01351000	51100 P/T Temp/Seasonal Earn Pay	7,280	0		Degislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	51140 Longevity Pay	7,500	0	7,500	Degislative intent is to transfer pot of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	511S6 Unused Vacation Time Payout	0	0		I Legislative intent is to transfer <u>Dot</u> of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	52360 Medicare	5,993	0		B Legislative Intent is to transfer Dot of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	52385 Social Security	5,018	0	5,018	B Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	S2504 Merf Pension Contribution	59,375	0	59,375	S Legislative Intent is to transfer Dot of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	52917 Health Insurance City Share	130,962	0	130,967	2 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	53725 Television Services	3,700	0	3,700	I Legislative intent is to transfer Dot of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	53905 Employee Tuition/Travel Reimb	200	0	200	Legislative Intent is to transfer Dpt of Aging from Public Facility to Health@Social Serv
partment of Aging	01351000	S4675 Office Supplies	2,800	0	2,800	Legislative Intent is to transfer Dot of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	55010 Arts and Crafts Equipment	1,200	0	1,200	Legislative intent is to transfer Dpt of Aging from Public Facility to Health@Social Serv
partment of Aging	01351000	55170 Other Maintenance & Repairs	100	0	100	Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Serv
partment of Aging	01351000	59500 Supportive Contribution	1,000	0	1,000	Legislative Intent is to transfer Dpt of Aging from Public Facility to Health@Social Serv
al Expenditure Decreases			21,960,740	17,090,451	4,870,289	ī
Former distance I am 40°						
t Expenditure Incr.(Decr.)					303,003	
erall Surplus/(Deficit)					0	1
PARTMENT OF AGING LEG	ISLATIVE INTEN	T				
addition to the above Bud		riations Committee adopted changes to the from Public Facilities division into the Hea	Mayor's FY21 Propo			o adopted to transfer the entire FY21 Mayor's proposed

DEPARTMENT OF WEIGHTS & MEASURES LEGISLATIVE INTENT

In addition to the above Budget and Appropriations Committee adopted changes to the Mayor's FY21 Proposed Budget, the Committee also adopted to transfer the entire FY21 Mayor's proposed Weights & Measures budget appropriations from Public Safety division into the Health and Social Services division in FY2021.

Effective July 1, 2020, all Weights & Measures salaries, personnel,fringes and operational accounts that were proposed in the Mayor's FY21 budget will be transferred out of the Public Safety division into Health and Social Services division in FY2021.

# \*\* COUNCIL MEMBER CASTILLO SECONDED.

Council Member Pereira asked for the adjusted figure, which Council Member Burns provided for her.

Council Member Pereira said that they should have received this properly and correctly rather than in the middle of the meeting.

Assistant City Clerk Ortiz asked for an updated copy of the documentation.

\*\* THE MOTION TO APPROVE THE PASSED WITH EIGHTEEN (18) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND TWO (2) OPPOSED (DEFILIPPO, AND PEREIRA).

Final vote on the Budget as amended.

- \*\* COUNCIL MEMBER HERRON MOVED TO APPROVE THE 2020/2021 BUDGET AS AMENDED.
- \*\* COUNCIL MEMBER CASTILLO SECONDED.

Council Member Pereira said that she would like to be heard. She said that she would be asking for a number of amendments.

- \*\* COUNCIL MEMBER PEREIRA MOVED TO AMEND THE PROPOSED 2021 CITY BUDGET AS FOLLOWS:
  - UNDER THE OFFICE OF MAYOR ON PAGE 26, TO ELIMINATE THE MAYOR'S COMMUNITY LIAISON FOR \$74,285 AND CORRESPONDING FRINGE BENEFITS
  - ELIMINATE THE EXECUTIVE OFFICE MANAGER POSITION TO REPLACE IT WITH AN EXECUTIVE SECRETARY POSITION REDUCING THE PROPOSED \$24,734 RAISE TO \$13,339 RAISE SAVING \$11,395, AND TO ADJUST THE CORRESPONDING FRINGE BENEFITS TO GENERATE CORRESPONDING SERVICES
  - TO ELIMINATE THE PROPOSED \$5,040 RAISE FOR THE PART-TIME CLERICAL ASSISTANT THAT RECEIVED A \$4,640 RAISE IN THE CURRENT BUDGET AND THE CORRESPONDING FRINGE BENEFITS
  - UNDER THE COMPTROLLER'S OFFICE ON PAGE 43 TO ELIMINATE THE NEWLY PROPOSED DEPUTY DIRECTOR OF FINANCE/MANAGER FOR \$106,639 AND CORRESPONDING FRINGE BENEFITS
  - UNDER THE PRINT SHOP ON PAGE 55, TO ELIMINATE THE PRINT SHOP AIDE FOR \$21,746 AND MESSENGER FOR \$44,728 AND CORRESPONDING FRINGE BENEFITS
  - UNDER CITY ATTORNEY ON PAGES 94 & 95, ADD AN ADDITIONAL FT ASSOCIATE CITY ATTORNEY FOR A TOTAL OF AN ADDITIONAL \$100,000 INCLUDING FRINGE BENEFITS AND REDUCE THE "CONTRACTED SALARIES" LINE BY THE FULL \$300,000 SAVING \$200,000

- UNDER CIVIL SERVICE ON PAGE 106, ELIMINATE THE CLERICAL ASSISTANT FOR \$51,575 AND CORRESPONDING FRINGE BENEFITS
- UNDER GRANTS PERSONNEL/BENEFITS ON PAGE 112, ELIMINATE CLERK A FOR \$29,000 AND CORRESPONDING FRINGE BENEFITS
- UNDER LABOR RELATIONS ON PAGE 121, FURTHER REDUCE THE SPECIAL SERVICES LINE BY THE REMAINING \$225,000 AS OUR HIGHLY COMPENSATED 11 FT ATTORNEYS SHOULD BE PROVIDING ALL LEGAL SERVICES
- UNDER LEGISLATIVE DEPARTMENT ON PAGE 132, ELIMINATE EMPLOYEE TUITION AND/OR TRAVEL REIMBURSEMENT FOR \$200, \$750 FOR LANDSCAPING SUPPLIES, \$1,500 IN FOOD SERVICES, \$1,813 ON MANAGEMENT SERVICES, \$30,000 IN UNDEFINED OTHER SERVICES, AND \$45,000 IN CITY COUNCIL STIPENDS WHICH STILL LEAVES EACH CITY COUNCIL MEMBER WITH \$6,750 ANNUALLY
- UNDER THE CAO OFFICE ON PAGE 141, ELIMINATE AN UNAUTHORIZED SECOND ASSISTANT CAO AND RE-ESTABLISH THE DEPUTY CAO POSITION WITH THE REQUIRED SUPERVISOR'S UNION RAISE OF 2% THEREBY SAVING \$40,932 AND CORRESPONDING FRINGE BENEFITS
- UNDER THE MAYOR'S INITIATIVE RE-ENTRY AFFAIRS ON PAGE 144, THE ELIMINATION OF THE ENTIRE OFFICE WHICH HAS BEEN RIFE WITH ISSUES AND COMPLETELY INEFFECTIVE FOR THE TOTAL AMOUNT OF \$277,285
- UNDER THE POLICE DEPARTMENT ON PAGE 167, WITH BY FAR THE LARGEST EXPENSE OF THE CITY AT \$102,000,000 ANNUALLY, TO ELIMINATE \$300,000 IN THE INCREASE IN REGULAR TIME AND A HALF
- UNDER WEIGHTS & MEASURES ON PAGE 193, ELIMINATE THE DEPUTY SEALER OF WEIGHTS AND MEASURES, WHICH IS NOT MANDATED, FOR \$42,181 AND CORRESPONDING FRINGE BENEFITS
- UNDER EMERGENCY COMMUNICATIONS & OPERATIONS CENTER ON PAGE 198, ELIMINATE 2 OF THE 5 VACANT PUBLIC SAFETY TCOS FOR \$103,524 WITH CORRESPONDING FRINGE BENEFITS AND TO ELIMINATE THE ADDITIONAL PROPOSED SALARY INCREASE FOR AN ADMINISTRATIVE SPECIALIST POSITION TOTALING \$3,212 WHILE ALLOWING FOR THE CONTRACTUAL RAISE

- UNDER RECREATION PROGRAMS ON PAGE 268, REDUCE ONE FT RECREATION COORDINATOR AND REPLACE IT WITH A PT RECREATION COORDINATOR FOR THE SPRING/SUMER/FALL SEASON WITH A PROPOSED SAVINGS OF \$25,000 WITH CORRESPONDING FRINGE SAVINGS.
- UNDER THE ECONOMIC DEVELOPMENT OFFICE ON PAGE 317, A PRESS SECRETARY FROM THE CAO'S OFFICE, WHICH IS AN IMMEDIATE FAMILY MEMBER OF OUR CITY COUNCIL PRESIDENT, AND A PRESS SECRETARY FROM THE BPD ARE BEING TRANSFERRED INTO THE EDC OFFICE WITH A COMBINED RAISE OF \$32,529 WHICH IS TO BE REDUCED TO CONTRACTUALLY REQUIRED RAISES SAVING APPROXIMATELY \$25,000 WITH CORRESPONDING FRINGE BENEFITS
- UNDER HOUSING CODE ON PAGE 377, THREE SPECIAL PROJECT COORDINATORS COMBINED RAISE OF \$21,183 IS TO BE REDUCED TO ONLY CONTRACTUALLY REQUIRED RAISES THEREBY SAVING APPROXIMATELY \$15,000 AND CORRESPONDING FRINGE BENEFITS
- UNDER HUMAN SERVICES ON PAGE 390, THE DATA COORDINATOR'S 11.7% RAISE TOTALING \$5,282 IS TO BE REDUCED TO THE CONTRACTUALLY REQUIRED AMOUNT SAVING APPROXIMATELY \$3,282 AND CORRESPONDING FRINGE BENEFITS
- UNDER LIGHTHOUSE/YOUTH SERVICES ON PAGE 410 ON LINE 56175, IS A
  PROPOSED \$275,000 INCREASE WHICH IS TO BE FUNDED OUT OF THE
  OVER \$900,000 IN COLLECTED PARENT FEES WHICH ARE NOT
  PROPERLY RECORDED IN THE BUDGET BY THE FINANCE DIRECTOR
  AND OPM IN VIOLATION OF STANDARD ACCOUNTING PRACTICES
- UNDER SUPPORTIVE/MEMBERSHIPS ON PAGE 421, TO REDUCE THIS DEPARTMENT BY \$40,000FOR A SAVINGS OF \$1,999,087 WITH A ADDITIONAL SAVINGS TO BE DETERMINED IN CORRESPONDING FRINGE BENEFITS TO BE APPROPRIATED TO THE BOARD OF EDUCATION ON BEHALF OF OUR DESERVING 20,400 STUDENTS.

\*\* THE MOTION FAILED DUE TO A LACK OF A SECOND.

\*\* THE MOTION TO APPROVE THE 2020/2021 BUDGET AS AMENDED PASSED WITH SIXTEEN (16) IN FAVOR (CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, DEFILIPPO HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY,

# SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND FOUR (4) OPPOSED (BURNS, LYONS, MCCARTHY, AND PEREIRA).

Council Member Taylor-Moye said that she was making a statement about a tit-for-tat text exchange she had with Council Member Pereira. She said that when she had pointed out to Council Member Pereira that sometimes people have misspelled names. Council Member Taylor-Moye went on to warn Council Member Pereira that she would not tolerate being disrespected.

Council Member Suliman said that she has come to the Council not to side with anyone. She said that she was not looking for a fight, but if they bring it to her, she's ready.

Council Member Cruz said that he would second every word that Council Member Taylor-Moye and Council Member Suliman said.

There has been a problem in his District with a pastor who has been using a parking lot for a church service. He asked the Mayor to enforce the Governor's order about people congregating in an area. The police had to be called. Council Member Cruz then read a letter from the developer who gave the pastor permission to have services there on Easter Sunday only.

Council Member Cruz then spoke about Community Liaison and said that the position was useless. The Council Members are the liaison to the Mayor's Office. The taxpayers don't need a Liaison making \$72,000. He asked the Mayor to eliminate that position.

Council Member Newton said that the people that were handling the parking meters downtown should be transferred to the Police Department.

- \*\* COUNCIL MEMBER NEWTON MOVED TO SUSPEND THE RULES TO ADD AN ITEM TO THE AGENDA FOR REFERRAL TO THE ORDINANCE COMMITTEE.
- \*\* COUNCIL MEMBER HERRON SECONDED.
- \*\* THE MOTION PASSED UNANIMOUSLY.

Council Member McCarthy said that during these Zoom calls, the public and the Junior Council Members are listening. The snickering and comments that are being made during a motion is wrong.

\*\* COUNCIL MEMBER NEWTON MOVED TO ADD THE FOLLOWING ITEM TO THE AGENDA FOR REFERRAL TO THE ORDINANCE COMMITTEE:

PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 10.16 – PARKING, AMEND SECTION 10.16.040 – DESIGNATION OF PARKING DIVISION.

- \*\* COUNCIL MEMBER HERRON SECONDED.
- \*\* THE MOTION TO REFER THE ITEM TO THE ORDINANCE COMMITTEE PASSED UNANIMOUSLY. (ITEM #96-19)

Council Member Brantley said that she wanted to thank the Council for their hard work during the process. She said that she agreed with Council Member Cruz about the positions of the Mayoral Liaison was totally useless.

Council Member Brantley said she would like to bring to the Mayor's attention that there was a lot of ticketing occurring around Seaside park. She said that there were students who were ticketed and residents that were laid off their jobs.

Council Member Burns said that as Budget and Appropriations co-chair he wanted to thank everyone for their input. Being involved by Zoom seemed to get more people involved. It is a difficult budget year in that they have no idea of what will happen.

Council President Nieves thanked the entire body for their work. While they may not be able to agree with one another, the art of negotiation is to be able to walk away with dignity and respect. She said that the Council did a great job in moving the City forward. This is a new platform that they are in now and hopefully they will be able to meet back in the Chambers. This is reality of passion, personalities and respect.

Council President Nieves then acknowledged City Clerk Martinez's birthday and Council Member Vizzo-Paniccia's birthday in April.

## **ADJOURNMENT**

- \*\* COUNCIL PRESIDENT NIEVES MOVED TO ADJOURN.
- \*\* COUNCIL MEMBER CASTILLO SECONDED.
- \*\* THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Telesco Secretarial Services



# IMMEDIATE CONSIDERATION

Below to be used for processing of Immediate Consideration items only

Log ID/Item number:

93-19

Submitting Department / Central Grants Office

**Contact Name** 

Isolina DeJesus, Director

Subject:

Grant Submission: re U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance - Coronavirus Emergency Supplemental Funding

(CESF) FY 20 Program.

Referred to Committee: Immediate Consideration

City Council Date:

May 4, 2020

Attest:

Rydia h. Marting Lydia N. Martinez, City Clerk

Date

Approved by:

Joseph F. Ganim, Mayor

Date

# COMM.# 93-19 REFERRED FOR IMMEDIATE CONSIDERATION ON MAY 4, 2020.

April 29, 2020

Office of the City Clerk City of Bridgeport 45 Lyon Terrace, Room 204 Bridgeport, Connecticut 06604

Re: Resolution – U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance – Coronavirus Emergency Supplemental Funding (CESF) FY 20 Program

Attached, please find a Grant Summary and Resolution for the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance – Coronavirus Emergency Supplemental Funding (CESF) FY 20 Program. The application process for this solicitation is being fast tracked due to the public health emergency. The expected turn-around is 2 weeks from submittal of the application. We respectfully request that this be added as an item to the City Council's meeting agenda on Monday, May 4, 2020 for IMMEDIATE CONSIDERATION in order to immediately execute the grant award upon receipt.

If you have any questions or require additional information, please contact me at 203-690-2377 or isolina.dejesus@Bridgeportct.gov.

Thank you,

Isolina DeJesus Central Grants Office



PROJECT TITLE: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice

Assistance - Coronavirus Emergency Supplemental Funding (CESF) FY 20

Program

NEW X RENEWAL CONTINUING

DEPARTMENT SUBMITTING INFORMATION: Central Grants Office

CONTACT NAME: Isolina DeJesus PHONE NUMBER: 203-576-7134

**PROJECT SUMMARY/DESCRIPTION:** The City of Bridgeport is eligible under the Fiscal Year (FY) 2019 State and Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program to apply for the Coronavirus Emergency Supplemental Funding (CESF) Program. The CESF program is authorized by Division B of H.R. 748, Pub. L. No. 116136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. Funds awarded will be used to cover officer overtime associated with training and purchase equipment and supplies to prevent, prepare for and respond to the coronavirus.

**CONTRACT PERIOD:** 01/20/20 = 01/20/22

Federal:	\$ 497,667.00
State:	\$ 0.00
City:	\$ 0.00
Other:	\$ 0.00

GRANT FUNDED PROJECT FUNDS REQUESTED				
Salaries/Benefits:	\$ 94,367.36			
Equipment:	\$ 350,263.87			
Supplies:	\$ 53,035.77			

MATCH REQUIRED – None Required			
	CASH	IN-KIND	
Source:	\$0	\$0	

# A Resolution by the Bridgeport City Council

## Regarding the

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program (CESF) FY 20 Formula Grant Solicitation

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance is authorized to extend financial assistance to municipalities in the form of grants; and

WHEREAS, this funding is made possible under the Coronavirus Emergency Supplemental Funding Program (CESF) FY 2020 Formula Grant Solicitation: and

WHEREAS, the purpose of this grant is to provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus. Eligibility is limited to entities that were identified eligible for funding under the FY 2019 State and Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, it is desirable and in the public interest that the City of Bridgeport submits an application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance – Coronavirus Emergency Supplemental Funding Program (CESF) FY 20 Program to assist the Police Department in acquiring the much needed funds for training and supplies to respond to the coronavirus.

# NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL:

- 1. That it is cognizant of the City's grant application to and contract with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the purpose of the Coronavirus Emergency Supplemental Funding (CESF) FY 20 Program; and
- 2. That it hereby authorizes, directs and empowers the Mayor or his designee, the Director of Central Grants, to execute and file such application with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and to provide such additional information and to execute such other contracts, amendments, and documents as may be necessary to administer this program.



# IMMEDIATE CONSIDERATION

Below to be used for processing of immediate Consideration items only

Log ID/Item number:

94-19

Submitting Department / Central Grants Office **Contact Name** 

Isolina DeJesus, Director

Subject:

Grant Submission: re Regarding the National League of Cities - Census Rapid

Response Grant.

Referred to Committee:

**Immediate Consideration** 

City Council Date:

May 4, 2020

hydia n. Martin

Attest:

Lydia N. Martinez, City Clark

Approved by:

Joseph/P. Ganim\_Mayor

- My 15/200

# COMM.# 94-19 REFERRED FOR IMMEDIATE CONSIDERATION ON MAY 4, 2020.

April 29, 2020

Office of the City Clerk City of Bridgeport 45 Lyon Terrace, Room 204 Bridgeport, Connecticut 06604

Re: Resolution - National League of Cities - Census Rapid Response Grant

Attached, please find a Grant Summary and Resolution for the **National League of Cities – Census Rapid Response Grant**. Acceptance of this grant award requires legislative authorization. We respectfully request that this be added as an item to the City Council's meeting agenda on Monday, May 4, 2020 for **IMMEDIATE CONSIDERATION** in order to accept the award.

Grant: National League of Cities - Census Rapid Response Grant

If you have any questions or require additional information, please contact me at 203-576-7134 or <a href="mailto:isolina.dejesus@Bridgeportct.gov">isolina.dejesus@Bridgeportct.gov</a>.

Thank you,

Isolina DeJesus Central Grants Office



PROJECT TITLE:

National League of Cities - Census Rapid Response Grant

NEW X

RENEWAL

**CONTINUING** 

DEPARTMENT SUBMITTING INFORMATION: Central Grants Office

CONTACT NAME: PHONE NUMBER:

Isolina DeJesus 203-576-7134

**PROJECT SUMMARY/DESCRIPTION:** The City of Bridgeport is seeking funding from the National League of Cities Census Rapid Response Grant to support the efforts of the Bridgeport Census 2020 Task Force. The purpose of the funding is to reach the hard to count populations throughout the nation in order to obtain a more accurate count of individuals for the census. Funds will be utilized to conduct outreach activities in the city's East Side.

**CONTRACT PERIOD:** 4/30/2020- 10/31/2020

Federal:	\$ 0.00	
State:	\$ 0.00	
City:	\$ 0.00	
Other:	\$ 5,000.00	***************************************

GRANT FUNDED PROJECT FUNDS REQUESTED					
Salaries/Benefits:	\$				
Contractual	\$				
Other:	\$ 5,000- Outreach materials (i.e. printing)				

MATCH REQUIRED - None Required					
	CASH	IN-KIND			
Source:	\$0	\$0			

# A Resolution by the Bridgeport City Council

# Regarding the National League of Cities – Census Rapid Response Grant

WHEREAS, the National League of Cities is authorized to extend financial assistance to municipalities in the form of grants; and

WHEREAS, this funding has been made possible through the Census Rapid Response Grant; and

WHEREAS, the purpose of the grant program is to reach the hard to count populations in order to obtain an accurate count for the 2020 Census; and

WHEREAS, the funds under this grant will be used to conduct outreach to identified hard to count populations in the City's East Side neighborhood.

# NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL:

- That it is cognizant of the City's grant application to and contract with the National League of Cities for the purpose of Census Rapid Response Grant.
- 2. That it hereby authorizes, directs and empowers the Mayor or his designee, the Director of Central Grants, to execute and file such application with **National League of Cities** and to provide such additional information and to execute such other contracts, amendments, and documents as may be necessary to administer this program.



# IMMEDIATE CONSIDERATION

Below to be used for processing of Immediate Consideration items only

Log ID/Item number: 95-19

Submitting Department / Central Grants Office **Contact Name** Isolina DeJesus, Director

Subject: Grant Submission: re Application to the Department of Homeland Security

Federal Emergency Management Agency (FEMA) Fiscal Year 2020 Assistance

to Firefighters Grant Program - COVID - 19 Supplemental (AFG-S).

Referred to Committee: **Immediate Consideration** 

City Council Date: May 4, 2020

Attest:

hydia n. Marting Lydia N. Martinez, City Clerk

Date

Approved by:

Joseph P. Ganfin, Mayor

/MM 11, 2020

#### Comm.# 95-19 REFERRED FOR IMMEDIATE CONSIDERATION ON MAY 4, 2020.

April 28, 2020

Office of the City Clerk City of Bridgeport 45 Lyon Terrace, Room 204 Bridgeport, Connecticut 06604

Re: Resolution – City of Bridgeport application to the Department of Homeland Security Federal Emergency Management Agency (FEMA) Fiscal Year 2020 Assistance to Firefighters Grant Program – COVID – 19 Supplemental (AFG-S)

Attached, please find a Grant Summary and Resolution for the **Department of Homeland Security Federal Emergency Management Agency (FEMA) Fiscal Year 2020 Assistance to Firefighters Grant Program – COVID – 19 Supplemental (AFG-S).** The application process for this solicitation is being fast tracked due to the public health emergency. Awards will be announced at the end of this month. We respectfully request that this item be added to the City Council's meeting agenda on Monday, May 4, 2020 for **IMMEDIATE CONSIDERATION** in order to immediately execute agreements, if awarded.

If you have any questions or require any additional information, please contact me at 203-690-2377 or isolina.dejesus@Bridgeportct.gov.

Thank you,

Isolina DeJesus Central Grants Office



PROJECT TITLE: Department of Homeland Security Federal Emergency Management Agency

(FEMA) Fiscal Year 2020 Assistance to Firefighters Grant Program COVID

- 19 Supplemental (AFG-S)

NEW x

RENEWAL

CONTINUING

DEPARTMENT SUBMITTING INFORMATION: Central Grants Office

CONTACT NAME: Isolina DeJesus PHONE NUMBER: 203-576-7134

**PROJECT SUMMARY/DESCRIPTION:** The City of Bridgeport Fire Department is seeking funding from the Federal Emergency Management Agency (FEMA), to purchase critically needed resources that will equip personnel to respond to the COVID-19 public health emergency. If awarded, the department will utilize funds to purchase protective equipment and supplies.

**CONTRACT PERIOD:** May 30, 2020 – May 29, 2021

FUNDIN	G SOURCES (include matching funds):
Federal:	\$ 500,000
State:	\$
City:	\$
Other:	\$

GRANT FUNDED PRO	JECT FUNDS REQUESTED
Salaries/Benefits:	\$
Equipment & Supplies:	\$ 500,000
Other:	\$

<b>MATCH REQUIRED 10%</b>		
	CASH	IN-KIND
Source: General Fund		
Salaries/Benefits:	\$ 0	\$ 0
Equipment & Supplies:	\$ 50,000	\$ 0
Other:	\$0	\$ 0

# A Resolution by the Bridgeport City Council Regarding the Department of Homeland Security Federal Emergency Management Agency Fiscal Year 2020 Assistance to Firefighters Grant Program COVID-19 Supplemental

WHEREAS, the Federal Emergency Management Agency (FEMA) is authorized to extend financial assistance to municipalities in the form of grants; and

WHEREAS, this funding has been made possible through the Department of Homeland Security Federal Emergency Management Agency (FEMA) Fiscal Year 2020 Assistance to Firefighters Grant Program – COVID-19 Supplemental (AFG-S); and

**WHEREAS**, the purpose of this grant is to provide financial assistance to eligible fire departments for critical Personal Protective Equipment and supplies needed to prevent, prepare for, and respond to the COVID-19 public health emergency; and

WHEREAS, it is desirable and in the public interest that the City of Bridgeport Fire Department submits an application to the Department of Homeland Security Federal Emergency Management Agency (FEMA) Fiscal Year 2020 Assistance to Firefighters Grant Program COVID-19 Supplemental (AFG-S) to provide the department with critically needed resources that equip personnel to respond to the COVID-19 public health emergency and support community resilience.

#### NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL:

- That it is cognizant of the City's grant application to and contract with the Department of Homeland Security Federal Emergency Management Agency (FEMA) for the purpose of its FY 2020 Assistance to Firefighters Grant Program – COVID-19 Supplemental (AFG-S); and
- 2. That it hereby authorizes, directs and empowers the Mayor or his designee, the Director of Central Grants, to execute and file such application with the Department of Homeland Security Federal Emergency Management Agency (FEMA) FY 2020 Assistance to Firefighters Grant Program COVID-19 Supplemental (AFG-S) and to provide such additional information and to execute such other contracts, amendments, and documents as may be necessary to administer this program.

#### Comm.# 91-19 Referred to Contracts Committee on May 4, 2020.

CITY ATTORNEY
R. Christopher Meyer

OFFICE OF THE CITY ATTORNEY

999 Broad Street Bridgeport, CT 06604-4328

OF BRIDGE

ASSISTANT CITY ATTORNEYS
Dina A. Scalo
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ASSOCIATE CITY ATTORNEYS

DEPUTY CITY ATTORNEY

Michael C. Jankovsky Richard G. Kascak, Jr. Bruce L. Levin John R. Mitola Lawrence A. Ouellette, Jr. Tyisha S. Toms Lisa R. Trachtenburg

April 29, 2020

Lydia Martinez, City Clerk 45 Lyon Terrace Bridgeport, CT 06604

Re: Fire Department Contract for Firework's Software

Kindly find attached for the City Council's Agenda a draft Resolution and proposed contract on behalf of the Fire Department for the Fire Department to acquire necessary software and software services. This is a request by the Fire Department and with a Resolution and Contract already approved by the Office of the City Attorney, through the undersigned. It is in proper and sufficient legal form.

This has been approved for inclusion on the agenda by an e-mail previously forwarded through the agenda portal.

Please add to the City Council Agenda for May 4, 2020 with referral to Contracts Committee.

Many thanks for your attention to this request.

SINCERELY,
OFFICE OF THE CITY ATTORNEY
Lisa R Trachtenburg
By: Lisa R. Trachtenburg
Its: Associate City Attorney

cc. R. Christopher Meyer Francis Ortiz Lance Edwards

#### RESOLUTION

(FireWorks)

EPR Systems USA Inc. (the "Vendor")

WHEREAS, Vendor is engaged in the business of designing and developing computer software systems and related products and has created and developed a software package called EPR FireWorks that is capable of supplying emergency agencies with an innovative, comprehensive, and integrated records management solution ("Software"); and

WHEREAS, the City of Bridgeport's Fire Department desires to utilize such Software to support management of its fire station operations, and

WHEREAS, the City of Bridgeport's Fire Department believes it is in the City of Bridgeport's best interest to enter into an agreement whereby the City of Bridgeport's Fire Department would use Vendor's Software pursuant to the terms and conditions set forth in the agreement attached hereto and made a part hereof as Exhibit A ("Agreement"); and

WHEREAS, the Office of the City Attorney has negotiated and reviewed the attached Agreement with the Vendor to provide the Software and services associated therewith.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council approves of the City of Bridgeport, through its Fire Department, entering into the Agreement attached hereto and made a part hereof as Exhibit A, in substantial form and substance and subject to the final approval of the Office of the City Attorney, and that the Mayor or the Chief of the Fire Department be authorized to execute the Agreement and such other documents as may be necessary or appropriate to engage the services for the purposes provided herein.

#### Software License and Support Agreement

This agreement commencing on
BETWEEN:
City of Bridgeport (the "CUSTOMER")
- and -

EPR Systems USA Inc. (the "Vendor")

WHEREAS, Vendor is engaged in the business of designing and developing computer software systems and related products and has created and developed a software package called EPR FireWorks that is capable of supplying emergency agencies with an innovative, comprehensive, and integrated records management solution (described in greater detail in the attached Schedule "B" the "Applications and/or "Software"); and

WHEREAS, CUSTOMER operates fire stations engaged in providing emergency and rescue services and desires to utilize such Software to support management of its fire station operations, and

WHEREAS, Vendor and CUSTOMER believe it is in their mutual interest and desire to enter into an agreement whereby CUSTOMER would use Vendor's Software pursuant to the terms and conditions hereinafter provided.

NOW, THEREFORE, in consideration of the promises and the mutual covenants of this Agreement, the parties hereto agree as follows:

#### Section 1 - Definitions

- 1.1 In this Agreement, unless the context otherwise requires:
  - a) "Acceptance" means the acceptance of the Deliverables in accordance with Section entitled Inspection of the Deliverables of this Agreement'
    - b) "Agreement" means these terms and conditions and all Schedules attached hereto and made a part hereof, and the Purchase Order(s) associated herewith. In the event of a conflict between the Purchase Order and this Agreement, this Agreement shall control.

- c) "Annual Service Fee(s)" means the annual subscription fees described in Schedule A.
- d) Application(s)" or "SaaS Application(s)" means those particular Vendor software application programs set forth in Exhibit B and which at the outset of this Agreement includes the Inspections and Property Management Application, the Pre-Plan Application, and the Inspection and False Billing Alarm Application, all of which are to be made accessible for CUSTOMER to use under the terms of this Agreement.
- e) "Cloud Services" means those services to be provided by Vendor related to CUSTOMER's cloud environment and back-up hosted by Amazon Web Cloud ("AWS") for storage, back-up and disaster recovery under this Agreement.
- f) "Confidential Information" means those confidential, scientific, technical, financial, business and other information, manufacturing, marketing, sales and distribution data, scientific and test data, documents, methods, techniques, formulations, operations, know-how, experience, skills, trade secrets, computer programs and systems, processes, practices, ideas, inventions, designs, samples, plans and drawings recognized as exempt or immune from disclosure pursuant to applicable federal or Connecticut law.
- g) "Contract Price" means the amounts referred to or expressed in this Agreement, and specifically in the payment schedule attached as Schedule "A" to this Agreement, to be payable by CUSTOMER to the Vendor for the Deliverables, as may be increased by modification to this Agreement should CUSTOMER choose to add other software programs to the Applications.
- i) "Deliverables" means the whole of the services including, without limitation, system set-up, data conversion, data integration, AWS cloud storage, training, maintenance, and Applications required to be done, furnished or performed by the Vendor in accordance with the terms of the Agreement.
- j) "EPR FireWorks" means the computer software, converted data, system interfaces, databases and documentation that are to be installed by the Vendor and implemented by CUSTOMER, including the Deliverables to be provided by Vendor to CUSTOMER all as contemplated hereunder, as the same may be upgraded, enhanced or otherwise modified or adapted from time to time.
  - k) "Improvements" means any improvements, updates, variations, modifications, alterations, additions, error corrections, enhancements, functional changes or other changes to the Deliverables, Applications, Cloud Storage and Documentation, including, without limitation:
    - (i) improvements and upgrades to improve software efficiency and maintainability;
    - (ii) improvements and upgrades to improve operational integrity and efficiency;

- (iii) functional improvements or changes which support legislated, regulatory or other lawful requirements;
- (iv) changes or modifications to correct errors; and
- (v) additional licensed computer programs to otherwise update the Applications.
- I) "Live Production" means use of the tested and accepted EPR FireWorks system put into full service in the regular business operation of CUSTOMER.
- m) "Maintenance Access Period", unless otherwise specified in the Agreement, means an uninterrupted time period of hours each day beginning Sunday from 2:00 a.m. 2 p.m., and week days Monday to Friday, between 8:00 a.m. and 5:00 p.m. EST, during which the Vendor shall have personnel available to receive/respond to email and/or telephone support for the reporting of malfunctions and maintenance services, including remote connect in accordance with the Agreement.

- n) "Personally Identifiable Data" means information concerning individually identifiable employees of CUSTOMER that is protected against disclosure under applicable law or regulation.
- o) "Renewal Term" means the renewal billing term of the Applications and Deliverables as may be exercised hereunder at the conclusion of the Initial Term.
- p) "Response Time" means the period of time beginning with a bona fide attempt to reach the Vendor by telephone, or other oral means, or email written means has been made by CUSTOMER during a Maintenance Access Period, and ending with the "non-automated" response of the Vendor to the CUSTOMER attempting to understand the problem which shall be no longer than three (3) hours.
  - q) "Supplier" means any Vendor, subVendor or licensor of Vendor providing software, equipment and/or services to Vendor which are incorporated into or otherwise related to the Services. With the exception of Cloud Services, Vendor may at its sole discretion replace a Supplier, provided that a change to Supplier will not have a materially adverse effect on the Services delivered by Vendor under this Agreement. Cloud Services may only be changed in accordance with Section 9 hereof.
  - r) "Term" means the Initial Term and any Renewal Terms thereafter.
  - s) "Time to Repair" means that portion of the time that the EPR FireWorks system cannot be used because of error, defect, deficiency, failure, problem or non-conformance to Functional Specifications, starting from the "non-automated response of the Vendor to first understand the deficiency and ending with the turnover of the fully functional Applications and/or Deliverables to CUSTOMER in proper working order;
  - t) "Unapproved Modifications" means modifications to the Licensed Computer Programs not approved by the Vendor but made by CUSTOMER or on its behalf by someone other than the Vendor

#### Section 2 – Representations

- 2.1 The Vendor represents and warrants and it is a condition of this Agreement, that:
  - (a) The Vendor is a corporation duly organized and existing in good standing under the laws of Florida and registered to carry on business as may be contemplated hereunder;
  - (b) The Vendor has the ability and authority to enter into this Agreement, and the execution and performance of this Agreement or any part of this Agreement by the Vendor has been duly authorized by all requisite corporate action;
  - (c) The execution and performance of this Agreement or any part of this Agreement by the Vendor does not and will not violate any contract or other obligation of the Vendor, and the Vendor knows of no circumstances which would prevent the Vendor's performance of this Agreement or any part thereof;

- (d) The Vendor is competent to perform its obligations hereunder, and has sufficient manpower, resources, skills, experience, and all such other materials as may be required to meet its obligations on or before the required date(s);
- (e) The Vendor has the necessary qualifications (including knowledge, experience, and skill) to provide the Deliverables, and will provide the Deliverable in a diligent, professional and timely manner; and
- (f) The representations and warranties made by the Vendor herein, including the recitals and all Schedules hereto (in particular, in the Vendor's Proposal), are reasonable and correct, and may be relied upon by CUSTOMER and shall continue to be reasonable and correct, and may be relied upon by CUSTOMER throughout the performance of this Agreement.

#### Section 3 - Grant of License

3.01 The Vendor hereby grants to the CUSTOMER, subject to the terms, conditions and limitations hereof, a worldwide, non-exclusive, irrevocable, perpetual right and license, which shall be non-transferable, to use the Applications and all related documentation provided to the CUSTOMER hereunder.

#### Section 4 – Term

4.01 This Agreement shall be effective as of the date of execution by both parties and shall extend for the period of three (3) years ("Initial Term") with two (2) optional one year extensions ("Renewal Term(s)"). This Agreement shall be automatically renewed for one year after the exercise of both Renewal Terms ("Extended Term") unless CUSTOMER shall provide the Vendor in writing of its intention not to enter into an Extended Term, said notice to be provided at least sixty (60) days prior to the expiration of the then in-effect Term.

#### Section 5 - Termination

- **5.01** CUSTOMER or Vendor may terminate the Deliverables and this Agreement for convenience upon sixty (60) business days prior written notice to the other party, subject to payments as set forth in Section 5.04.
- **5.02** Either party may terminate the Deliverables and this Agreement upon a material breach of the Agreement by the other party if such breach is not cured within fifteen (15) business days after receipt of written notice to the Vendor; or thirty (30) business days if to the CUSTOMER.
- **5.03** In the event that either party becomes insolvent, makes a general assignment for the benefit of creditors, is adjudicated a bankrupt or insolvent, commences a case under applicable bankruptcy laws, or files a petition seeking reorganization, the other party may request adequate assurances of future performance. Failure to provide adequate assurances, in the requesting party's reasonable discretion, within ten (10) business days of delivery of the request shall entitle the requesting party to terminate the Agreement immediately upon written notice to the other party.
- **5.04** If the Agreement is terminated for any reason:
- (a) CUSTOMER shall pay Vendor within thirty (30) days of such termination, all fees accrued and unpaid for the subject Annual Service Fee under this Agreement prior

to the effective date of such termination, Vendor shall refund CUSTOMER any pre-paid fees for any portion of the Annual Service Fee for Applications and/or Deliverables subsequent to the termination date:

- (b) Except as regards the retrieval of CUSTOMER's Data, CUSTOMER's right to access and use the Applications shall be revoked upon effective termination and be of no further force or effect;
- (c) CUSTOMER agrees to timely return all Vendor-provided materials related to the Applications and/or Deliverables to Vendor at terminating party's expense or, alternatively, destroy such materials and provide Vendor with an officer's certification of the destruction thereof; and
- (d) All provisions in the Agreement, which by their nature are intended to survive termination, shall so survive.

#### Section 6 - Customer Content upon Termination or Expiration of Term

**6.01** CUSTOMER Content shall be available to CUSTOMER to retrieve at any time and at no additional charge throughout the Term and for no more than sixty (60) days after expiration or termination of the Agreement for any reason. After such time period, Vendor shall have no further obligation to store or make available the CUSTOMER Content and will securely delete all CUSTOMER Content without liability of any kind.

#### Section 7 – Trade-Marks and Proprietary Notices

7.01 The Vendor expressly reserves all rights to its own trade-names, logos, trade-marks, other identifying symbols and all of its proprietary rights in its product packaging or labeling of any Licensed Computer Programs. The CUSTOMER shall not acquire any right, title or interest in or to any such trade-name, logo, trade-mark, or other identifying symbols of the Vendor.

#### Section 8 – Payment

- 8.01 CUSTOMER shall pay the Vendor upon receiving an invoice and in accordance with the Payment Schedule described in Schedule "A" to this Agreement. The CUSTOMER may elect to add additional modules to this Agreement subject to a letter side agreement signed by both parties and an agreement therein to the costs subject thereto.
- 8.02 CUSTOMER shall notify the Vendor, within Thirty (30) of receipt of an invoice, of any inadequacy of the invoice or of the supporting documentation, and where any such notice is given within that period, the date for payment of the amount invoiced shall be postponed until the Vendor remedies the inadequacy to the satisfaction of CUSTOMER, at no additional cost to CUSTOMER. Payment will be made by CUSTOMER within Forty-Five (45) days of receipt of an adequate invoice issued by VENDOR.

8.03 INVOICES shall be mailed to: Chief of the Fire Department, 30 Congress Street, Bridgeport, CT 06604.

#### Section 9 . CONVERSION, INTEGRATION, IMPLEMENTATION AND SUPPORT

- **9.01** Data Conversion Services. All of the CUSTOMER's required data conversion to fully utilize EPR Fireworks shall be performed by Vendor. CUSTOMER shall provide the data to be converted from other sources to Vendor in xls or CSV file for upload into the EPR Fireworks.
- **9.02** Implementation/Integration Services. Vendor will provide the Implementation Services to CUSTOMER. CUSTOMER shall provide to Vendor the contact information to external vendors and assist in facilitating successful integration and implementation. CUSTOMER understands that its external vendor's API's are a necessary component for successful integration.
- **9.03** Sandbox. The EPR Fireworks system, consisting of all Deliverables and Applications will be vetted and tested outside of any live application both before Live Production and before and major upgrades or substantial changes are introduced to the operational EPR Fireworks System.
- **9.03** Training. Vendor shall provide to CUSTOMER at least three (3) consecutive days of onsite training, by one (1) trainer, which shall include but not necessarily be limited to overview training of the entire application; technical training focused at end users, superusers, system administrators and IT staff, and "Train the Trainer" sessions; and on-going periodic remote trainings specific to CUSTOMER and training webinars.
- **9.04** Support. Vendor will provide e-mail and/or telephone support during service hours between Sunday at 2:00 a.m. EST through Friday at 5:00 p.m. EST. As part of such support, Vendor will make updates to the Services available to CUSTOMER at no charge, as such updates are released generally to Vendor's customers and shall not interfere with Application Availability during Business Operational Minutes as those terms are defined in Schedule C, attached hereto and made a part hereof. CUSTOMER agrees that Vendor may install critical security patches and infrastructure updates automatically as part of the Services.
- **9.05** Code Sets. Vendor shall ensure that before Live Production, the EPR Fireworks system, Deliverables and Applications will contain all NFPA 101 (life safety), NFPA 1 (prevention) with Connecticut Amendments and Connecticut mechanical and building codes (collectively the "Code Sets") dating back from 2005 to the time of Live Production and will continue to keep said Code Sets updated and available within the EPR Firework system prior to their applicable effective dates. CUSTOMER understands that the historic Code Sets will have to be provided by it to Vendor from its current Firehouse program in a database format sufficient for implementation into the EPR Fireworks system. CUSTOMER will work with Vendor in obtaining future Connecticut amendments to the Code Sets is such sufficient database formate. Regardless, the most common infraction drop down list will remain current with Connecticut amendments and within the EPR Fireworks system before their applicable Effective dates. Should the CUSTOMER not provide the Vendor with historic code sets, or should the CUSTOMER not provide the Vendor with updates on the state's codes the Vendor will **NOT** be liable for providing the fire codes contained within FireWorks.
- **9.06** One Time Fee. The data conversions, integration, implementation and support (training included) outlined above are included in the one-time implementation costs set forth in Schedule A. CUSTOMER may request additional support, training, or other services for an additional fee.

#### Section 10 DATA STORAGE

10.01 Vendor shall house CUSTOMER's data in the Fireworks RMS and shall secure the same in the AWS cloud. All data remains the property of CUSTOMER and SQL back- up copies will be provided to CUSTOMER upon request. All data remains the property of CUSTOMER and CUSTOMER shall retain the ability to retrieve its date for sixty (60) days from the expiration of the Term or any earlier termination as herein provided. Vendor shall not change the on-site storage or cloud back-up servers or servicers without the prior written request of CUSTOMER, which shall not be unreasonably withheld. However, any change in storage MUST meet at the minimum security levels and availability as originally provided hereunder with AWS.

#### Section 11. DATA SECURITY

**110.01** Vendor agrees to notify CUSTOMER within two (2) business days in writing of any discovery by Vendor of any breach or suspected breach of the provisions of this Agreement or any loss or unauthorized use, disclosure, acquisition of or access to any Customer Content of which Vendor becomes aware (any such breach or suspected breach being referred to herein as a "Data Breach"). Such notice shall summarize in reasonable detail the effect on CUSTOMER, if known, of the Data Breach and the corrective action taken or to be taken by Vendor. Vendor shall promptly take all appropriate or legally required corrective actions, and shall cooperate fully with CUSTOMER in all reasonable and lawful efforts to prevent, mitigate or rectify such Data Breach. In addition to the notice requirement contained herein, Vendor will also immediately report any such Data Breach to CUSTOMER'S Office of the City Attorney at 999 Broad Street, Bridgeport, CT 06604, (203)576-7647.

#### Section 12 - Confidentiality

12.01 The Vendor shall be bound by an obligation of strict confidence to CUSTOMER in respect of any Confidential Information disclosed by or on behalf of CUSTOMER to the Vendor or developed by the Vendor for CUSTOMER. The Vendor shall not:

- (a) Disclose, either directly or indirectly, any such Confidential Information, or any part thereof, to any person except as is specifically contemplated in this Agreement; and
- (b) Use any such Confidential Information, or any part thereof, for any purpose, except as is specifically contemplated within this Agreement, without the prior written consent of CUSTOMER and on terms and conditions satisfactory to CUSTOMER in its sole discretion.

#### Section 13 - Dispute Resolution

**13.01** The parties agree that all disputes between them arising under this Agreement or involving its interpretation, if they cannot be first resolved by mutual agreement, are subject to the following dispute resolution procedure:

13.02 Initiation of Dispute Resolution Process. In the event that a dispute is not resolved after good faith effort to arrive at a mutual agreement, either party may send written notice to the other, in the manner specified for giving notice in this Agreement that a dispute continues to exist. The party giving such notice shall also forward a copy to the Chief Administrative Officer ("Director"), 999 Broad Street, 2<sup>nd</sup> Fl., Bridgeport, CT 06604. The

notice shall set forth the nature of the dispute, the notifying party's position statement, and copies of documents supporting its position regarding the dispute. Within seven (7) calendar days after the date such notice is given, the other party shall file its position statement and supporting documents to the Director. Within five (5) working days after receipt of such reply, the Director shall review the matter, issue a written determination ("**Determination**"), and mail a copy thereof to the parties. The Director may reach a Determination with or without a face-to-face meeting with the parties and with or without testimony of witnesses, in his/her sole and absolute discretion.

13.03

**Court proceedings.** Either party may proceed to resolve a dispute, after exhausting subparagraph (a) above, whether or not opting first under subsection (b) of this Paragraph in a Court of competent jurisdiction within the state of Connecticut.

**Joinder in Other Proceedings**. The City reserves the right to require the joinder and participation of the other party to this Agreement in any other mediation, arbitration or litigation involving a claim by another party that relates to the subject matter set forth in this Agreement and, reserves the additional right, if necessary or desirable in the City's sole determination, to join or implead the other party to this agreement into such mediation, arbitration, or litigation when doing so is deemed by the City to be in its best interests.

#### Section 14 - Indemnification and Insurance

#### 14.01 Indemnity for Claims Arising from the Provision of Professional Services

As it applies to Claims arising from the provision of the Vendor's professional services, Vendor shall indemnify, defend, and save harmless the City, the State of Connecticut and/or the Judicial Branch and its officers and employees from any claims, damages, losses, litigation, expenses, reasonable counsel fees and personal injuries and/or property losses sustained by any person or entity ("Claims"), to the extent such Claims are caused by the negligent acts, errors or omissions, recklessness, or intentional wrongdoing of the Vendor, its employees, or subcontractors in connection with the services provided under this Agreement.

#### **14.02** Indemnity for Claims Unrelated to the Provision of Professional Services

As it applies to Claims unrelated to the provision of the Vendor's services, i.e., automobile and general liability claims, Vendor shall defend, indemnify and save harmless the City, the State of Connecticut and/or its Judicial Branch and its officers and employees from any claims, damages, losses, litigation, expenses, reasonable counsel fees and personal injuries and/or property losses sustained by any person or entity ("Claims"), to the extent such Claims are caused by the acts, errors or omissions of the Vendor, its employees, or subVendors in connection with the Project, and/or under this Agreement.

14.03 Insurance requirements: (1) As may be applicable, the following insurance coverage is required of the Vendor and it is understood that the Vendor will require other coverage from every Vendor and subcontractor in any tier according to the work being performed and shall ensure that the City is named as additional insured with notice of cancellation in the same manner as required for insurance coverages required of the Vendor, evidenced by

endorsement. The Vendor shall procure, present to the City, and maintain in effect for the Term without interruption the insurance coverages identified below with insurers licensed to conduct business in the State of Connecticut and having a minimum Best's A + 15 financial rating acceptable to the City.

- 14.04 Commercial General Liability (occurrence form) insuring against claims or suits brought by members of the public alleging bodily injury or personal injury or property damage and claimed to have arisen out of operations conducted under this Agreement. Coverage shall be broad enough to include premises and operations, contingent liability, contractual liability, completed operations (24 months), broad form property damage, care, custody and control, with limitations of a minimum \$250,000 per occurrence and \$500,000 combined primary and excess coverage for each occurrence/aggregate and \$300,000 property damage.
- **14.05** Errors & omissions/cyber liability policy, including coverage for network security/data protection liability insurance (also called "cyber liability") covering liabilities for financial loss resulting or arising from acts, errors, or omissions, in rendering technology/professional services or in connection with the specific services described in this Agreement: Violation or infringement of any right of privacy, including breach of security and breach of security/privacy laws, rules or regulations globally, now or hereinafter constituted or amended; Data theft, damage, unauthorized disclosure, destruction, or corruption, including without limitation, unauthorized access, unauthorized use, identity theft, theft of personally identifiable information or confidential corporate information in whatever form, transmission of a computer virus or other type of malicious code; and participation in a denial of service attack on third party computer systems; Loss or denial of service; no cyber terrorism exclusion; with a minimum limit of \$2,000,000 each and every claim and in the aggregate. Such coverage must include technology/professional liability including breach of contract, privacy and security liability, privacy regulatory defense and payment of civil fines, payment of credit card provider penalties, and breach response costs (including without limitation, notification costs, forensics, credit protection services, call center services, identity theft protection services, and crisis management/public relations services). Such insurance must explicitly address all of the foregoing without limitation if caused by an employee of Vendor or an independent contractor working on behalf of Vendor in performing services under this Agreement. Policy must provide coverage for wrongful acts, claims, and lawsuits anywhere in the world. Such insurance must include affirmative contractual liability coverage for the data breach indemnity in this Agreement for all damages, defense costs, privacy regulatory civil fines and penalties, and reasonable and necessary data breach notification, forensics, credit protection services, public relations/crisis management, and other data breach mitigation services resulting from a breach of confidentiality or breach of security by or on behalf of Vendor.
- **14.06** Workers' Compensation insuring in accordance with statutory requirements in order to meet obligations towards employees in the event of injury or death sustained in the course of employment. Liability for employee suits shall not be less than \$500,000 per claim.
- **14.07** General requirements. All policies shall include the following provisions evidenced by ACCORD certificate **AND** endorsement:

Cancellation notice—The City shall be entitled to receive from the insurance carriers not less than 30 days' written notice of cancellation, non-renewal or reduction in coverage to be given to the City at: Purchasing Agent, City of Bridgeport, City Hall, 999 Broad Street, Bridgeport, Connecticut 06604.

Certificates of Insurance—All policies will be evidenced by an original certificate of insurance and endorsement delivered to the City and authorized and executed by the insurer as fully endorsed reflecting all coverage required, such certificate required to be delivered to the City prior to any work or other activity commencing under this agreement.

Additional insured—The Vendor and its permitted subVendors will arrange with their respective insurance agents or brokers to name the City, its elected officials, officers, department heads, employees and agents on all policies of primary and excess insurance coverages as additional insured parties and as loss payee with respect to any damage to property of the City, as its interest may appear. The undersigned shall submit to the City upon commencement of this agreement and periodically thereafter, but in no event less than once during each year of this agreement, evidence of the existence of such insurance coverages in the form of original Certificates of Insurance issued by reputable insurance companies licensed to do business in the State of Connecticut and having minimum Best's A + 15 financial ratings acceptable to the City. Such certificates shall designate the City in the following form and manner:

"The City of Bridgeport, its elected officials, officers, department heads, employees, agents, servants, successors and assigns ATIMA
Attention: Purchasing Agent
999 Broad Street
Bridgeport, Connecticut 06604"

#### Section 15 - Notice

15.01 Unless otherwise specified herein or otherwise agreed to by the parties in writing, any notice required to be given hereunder (excluding invoicing) must be given in writing and delivered by postage-paid mail, personally, by prepaid courier with a copy delivered by electronic means, addressed to the appropriate party as follows:

#### CUSTOMER address:

Chief of Fire Department 30 Congress Street Bridgeport, CT 06604

With copy to:

Office of the City Attorney City of Bridgeport 999 Broad Street Bridgeport CT 06604 Vendor address: EPR Systems USA Inc. 1016 Lasalle Street Jacksonville, FL 32207

**15.02** All notices in connection with this Agreement shall be in writing and may be given by certified, registered, or first class mail or personally delivered at the address set forth above. For purposes of this Agreement, a notice shall be deemed effective upon personal delivery to the party or if by mail with a copy by e-mail, five days after proper deposit in a mail box.

IN WITNESS WHEREOF the parties have executed this Agreement effective the date first above written.

City of Bridgeport:		EPR Systems USA	<b>\</b> :
Name	Management of the second of th	Name:	
Title	Date	Title	Date

## SCHEDULE "A" PAYMENT SCHEDULE

1. USER SUBSCRIPTION FEES - Invoiced and payable annually in advance as follows:

Year 1 \$11,600 One-time interfaces, data conversion & training
Year 1 \$30,350 Annual subscription fee inclusive, for the Modules listed below
Year 2 \$31,778 Annual subscription fee inclusive, for the Modules listed below

Year 3 \$33,278 Annual subscription fee inclusive, for the Modules listed below

#### EPR Systems USA Inc.

We do it all

RFF F0x022200

1016 LaSalie Street Jacksonville, FL 32207 Phone: 941-209-4357 Bill Tor Name: City of Bridgeport, CT Less Fartow, Buyer



DATE: August 20, 2019
Guotation # 2019-826A-BPCTFD
Customer ID: City of Bridgeport, CT

Quotation valid until: September 25, 2019 Prepared by: Kath Pletzke

#### Comments or special instructions

Firmidicative Milochalars

Preplans, Inspections, billing

Description included Year 3 NFIRS 5.0 incident Reporting ü NEMSIS 3.4.0 Compliant ePCR Bundle Inspections & Property Management 19,800 8 20,760 \$ 21,830 13 \$ nvestgations 悠 Hydrants 组 7,002 0,350 6,668 \$ Preplan Inventory & Maintenance 2,400 2,520 \$ 2,646 Inapection & False Alarm Billing \$ 3 3 Staffing / Ploster 28 鸾 3 Analytics (BI) Reporting Tool 25 1,800 | 5 1,800 Cloud Licensing (12 licenses @ \$150 e.a.) 1 800 5 Annual Cost 30,350 34,770 8 33,276

One time - implementation	Cost		
Data Convension & Cloud system configuration	2	\$	5,000
Sking - interface	a	\$	1.500
CAD interface	78	5	1.500
Training -2 Days snake	9	s	0.00
TOTAL		\$	11,600

CUSTOMER may add additional Cloud Licenses at any time at the additional cost of \$150.00 per license.

#### Schedule B Software

#### FireWorks Included modules:

- Inspections & Property Management
- Pre-Plan
- Inspection & False Alarm Billing

#### Also included:

- Services to convert and integrate to CAD & Inspection billing system and implement EPR Fireworks System
- 3 days of consecutive on-site training.

#### SCHEDULE \_C\_\_

#### SERVICE LEVEL AGREEMENT (SLA)

**Service Level Agreement**: Vendor at all times, strives for consistency and reliability in its Applications' availability and its Deliverables to the CUSTOMER. Nonetheless, there may come times when the Applications are not available. This Service Level Agreement ("SLA") defines acceptable and unacceptable service levels for Application availability.

For purposes of this SLA, terms not otherwise defined in the body of the Agreement have the following meanings:

"Actual Application Availability" means (Annual Operational Business Minutes minus Annual Operational Business Unavailability Minutes times 100) divided by Annual Operational Business Minutes.

"Annual Operational Business Minutes" means the minutes consistent with CUSTOMER'S minutes of annual business operations; which for CUSTOMER is 250 operational work days annually (weekdays minus 11 holidays) times 9 hours per work day (specifically 7:30 a.m. – 4:30 p.m.) times 60 minutes per hour = 135,000 Annual Operational Business Minutes.

"Annual Operational Business Unavailability Minutes" means those minutes of the Annual Operational Business Minutes where one or more Applications or Deliverables are functionally unavailable, which should correspond to the Time to Repair as calculated under the Agreement", but not including Excluded Events.

"Excluded Events" means those times of Operational Business Unavailability Minutes which relate directly to the Application(s) dependency upon electric, Wi-Fi, or cable connectivity to a source outside of the control of either Vendor or Customer, which when reconnected to said source, shall cease to be an Excluded Event. Excluded Events shall not include scheduled service or updates as such shall be performed outside of the Annual Operational Business Minutes.

Example: If the Annual Operational Business Unavailability Minutes for a year's service term was a total of 20 hours, or 1200 minutes, the Actual Application Availability would be calculated as follows:

 $\frac{(135,000 - 1200 \times 100)}{135,000} = 99.11\%$ 

The Vendor shall at all times strive to meet, if not exceed, 99.75% Application Availability. Vendors failure to meet 95% Application Availability during any year of the

Term, shall be considered a material default of the Agreement and in addition to any other remedies afforded Customer, in the event that Application Availability fails to meet 90% Application Availability during any year of the Term, CUSTOMER shall be credited and/or refunded as follows:

#### 99.75% Application Availability Goal

Actual Application Availability % = (Monthly Minutes (MM) minus Total Minutes Not Available (TM)) multiplied by 100) and divided by Monthly Minutes (MM), but not including Excluded Events

**Service Credit Calculation**: Failure to meet the 99.75% Application Availability SLA, other than for reasons due to an Excluded Event, will entitle CUSTOMER to a credit as follows:

Actual Application Availability % (as measured in a calendar	Service Credit to be applied to CUSTOMER's annual invoice for the affected
year)	Term year
<87.00% to 89.99%	10%
<84.00% to 86.99%	15%
<81.00% to 83.99%	25%
<80.00% to 80.99%	35%
<80.00%	50%
<70.00	75%

"Maintenance Period" means scheduled maintenance periods established by Vendor to maintain and update the Services, when downtime may be necessary, as further described below. The Maintenance Period is used for purposes of the Service Credit Calculation; Vendor continuously maintains the production environment on a 24x7 basis to reduce disruptions.

**Reporting and Claims Process**: Service Credits will not be provided if: (a) CUSTOMER is in breach or default under the Agreement at the time the Outage occurred; or (b) the Outage results from an Excluded Event.

Vendor will provide CUSTOMER with an Application Availability report within fifteen (15) days of the conclusion of a service year of the Term. Within thirty (30) days of receipt of such report, CUSTOMER must request the applicable Service Credit (if any) by written notice to Vendor. CUSTOMER waives any right to Service Credits not requested within this time period. All performance calculations and applicable Service Credits are based on Vendor records and data unless CUSTOMER can provide Vendor with clear and convincing evidence to the contrary.

#### SCHEDULE D\_\_\_\_ Non-Discrimination (City required provision)

- (a) The Vendor agrees not to discriminate, nor permit discrimination, against any person in its employment practices, in any of its contractual arrangements, in all services and accommodations it offers the public, and in any of its other business operations on the grounds of race, color, national origin, religion, sex, disability or veteran status, marital status, mental retardation or physical disability, unless it can be shown that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the State of Connecticut, and further agrees to provide the Commissioner of Human Rights and Opportunities with information which may be requested from time to time by the Commission concerning the employment practices and procedures of both parties as they relate to the provisions of Section 4-114a of the Connecticut General Statutes and any amendments thereto. This agreement is subject to the provisions of the Governor's Executive Orders No. 3 promulgated June 16, 1971, and as such, this Agreement may be canceled, terminated, or suspended by the State Labor Commission for violation of, or noncompliance with, Executive Order No. 3, or any State or Federal law concerning nondiscrimination, notwithstanding that the Labor Commissioner is not a party to this agreement. The parties to this agreement, as part of the consideration hereof, agree that Executive Order No. 3 is incorporated herein and made a part hereof. The parties agree to abide by Executive Order No. 3 and agree that the State Labor Commissioner shall have continuing jurisdiction in respect to performance in regard to nondiscrimination, until the agreement is completed or terminated prior to completion. The parties agree as part of the consideration hereof that this agreement is subject to the Guidelines and Rules issued by the State Labor Commissioner to implement Executive Order No. 3 and that they will not discriminate in employment practices or policies, will file reports as required, and will fully cooperate with the State of Connecticut and the State Labor Commissioner.
- (b) Further, this agreement is subject to the provisions of the Governor's Executive Order No. 17 promulgated February 15, 1973, and as such, this Agreement may be canceled, terminated, or suspended by the State Labor Commission for violation of, or noncompliance with, Executive Order No. 17. The parties agree to abide by Executive Order No. 17 and agree that the Vendor and all subVendors shall list all employment openings with the office of the Connecticut State Employment Service in the area where the work is to be performed or where the services are to be rendered.
- (c) The Vendor agrees not to discriminate, nor permit discrimination, against any person in its employment practices, in any of its contractual arrangements, in all services and accommodations it offers the public, and in any of its other business operations on the grounds of race, color, national origin, religion, sex, disability or veteran status, marital status, civil union status, mental retardation or physical disability, unless it can be shown that such disability prevents performance of the work involved, in any manner prohibited

by the laws of the United States or of the State of Connecticut, and further agrees to provide the Commissioner of Human Rights and Opportunities with information which may be requested from time to time by the Commission concerning the employment practices and procedures of both parties as they relate to the provisions of Section 4-114a of the Connecticut General Statutes and any amendments thereto. This agreement is subject to the provisions of the Governor's Executive Order No. 3 promulgated June 16, 1971, and, as such, this Agreement may be canceled, terminated, or suspended by the State Labor Commission for violation of, or noncompliance with, Executive Order No. 3, or any State or Federal law concerning nondiscrimination, notwithstanding that the Labor Commissioner is not a party to this agreement. The parties to this agreement, as part of the consideration hereof, agree that Executive Order No. 3 is incorporated herein and made a part hereof. The parties agree to abide by Executive Order No. 3 and agree that the State Labor Commissioner shall have continuing jurisdiction in respect to performance in regard to nondiscrimination, until the agreement is completed or terminated prior to completion. The parties agree as part of the consideration hereof that this agreement is subject to the Guidelines and Rules issued by the State Labor Commissioner to implement Executive Order No. 3 and that they will not discriminate in employment practices or policies, will file reports as required, and will fully cooperate with the State of Connecticut and the State Labor Commissioner.

d) To the extent that the Contract has employees which will be engage in the performance of the Services: (1) The Vendor agrees and warrants that in the performance of this Agreement such Vendor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the State of Connecticut, and that employees are treated when employed without regard to their sexual orientation; (2) the Vendor agrees to provide each labor union or representative of workers with which such Vendor has a collective bargaining agreement or other contract or understanding, and each vendor with which such Vendor has a contract or understanding a notice to be provided by the Commission on Human Rights and Opportunities (hereafter "Commission") advising the labor union or workers representative of the Vendor's commitments under General Statutes Section 4a-60a and to post copies of the notice in conspicuous places available to employees and applicants for employment; (3) the Vendor agrees to comply with each provision of General Statutes Section 4a-60a and with each regulation or relevant order issued by said Commission pursuant to Section 46a-56 of the General Statutes; and (4) the Vendor agrees to provide the Commission with such information requested by the Commission, and permit access to pertinent books, records and accounts concerning the employment practices and procedures of the Consultant which relate to the provisions of sections 4a-60a and 46a-56 of the General Statutes.

#### Comm.# 92-19 Referred to ECD& Environment Committee on May 4, 2020.

April 20, 2020

City Clerk 45 Lyon Terrace Bridgeport, CT 06604

Re: Resolution Approving Programs for Connecticut Neighborhood Assistance Act Tax Credit Program – For Referral to City Council Meeting of May 4, 2020.

Required Public Hearing - Neighborhood Assistance Act Program Applications – Full Council Meeting of June 1, 2020

Dear City Clerk and Honorable Members of the City Council:

OPED requests the City Council's action on the attached resolution approving programs for the 2020 Connecticut Neighborhood Assistance Act Tax Credit Program. This item is for referral to the May 19, 2020 meeting of the Economic and Community Development and Environment Committee.

OPED also requests that the Council order a public hearing on these 2020 Neighborhood Assistance Act Program Applications for its meeting of June 1, 2020.

That same night of June 1, 2020, OPED request the Council's final vote approving this resolution and the programs it references.

Truly Yours,

Vincent Mobilio Economic Development Associate

C: Tom Gill, Director
Bill Coleman, Deputy Director
Max Perez, Director of Business Development and NAA Coordinator

#### CITY OF BRIDGEPORT

#### 2020 Connecticut Neighborhood Assisted Act Organization Program Amount

1.	Big Brothers	Big Sisters	of SW	CT, Inc	One to	One Mentoring
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\$150,000.00

2. **Bridgeport Rescue Mission -** Care Center Facility Window Replacement Program \$150,000.00

3. Junior Achievement of Western CT, Inc. - Junior Achievement Programs

\$34,000.00

4. Bridgeport Neighborhood Trust - Park Terrace Homes

\$150,000.00

5. Habitat for Humanity of Coastal Fairfield County - Habitat CFC Program

\$150,000.00

6. Hall Neighborhood House, Inc. - Hall Senior Center

\$30,000.00

7. School Volunteer Association of Bridgeport - School Volunteer Programs

\$12,000.00

8. Cardinal Shehan Center - Computer, Photography, Stem & Cooking Program

\$25,000.00

9. Bridgeport Economic Development Corporation - Bridgeport Brownfields Reclamation

\$50,000.00

10. Connecticut Zoological Society - Greenhouse Energy Conservation

\$150,000.00

11. Mutual Housing Association of South Central CT INC D/B/A Neighborworks New Horizons - Community Development

\$150,000.00

12. McGivney Community Center - McGivney Youth Programs

\$83,200.00

- 13. **Boys Club & Girls Club of Bridgeport, CT** Orcutt Club Programs Administration \$150,000.00
- 14. **Boys Club & Girls Club of Bridgeport, CT** Energy Conservation Green Projects \$150,000.00
- 15. **Bridgeport Public Education Fund, Inc.** Mentoring for Academics Achievement \$25,000.00
- 16. The Jewish Home Day Programs for Adults with Dementia

\$24,000.00

## A Resolution Approving Programs for the State of Connecticut Neighborhood Assistance Act Tax Credit Program

Whereas, the Connecticut Neighborhood Assistance Act ("NAA") Tax Credit Program, pursuant to Connecticut General Statute §12-630aa et. seq. (the "Statute") provides a tax credit to business firms that make cash investments of at least \$250 (two-hundred-fifty) dollars to certain qualifying community programs conducted by tax exempt or municipal agencies;

Whereas, the cash investments must be made in a community program that is proposed and conducted by a tax exempt or municipal agency and must be approved by both the municipality in which the program is conducted and by the Connecticut Department of Revenue Services ("DRS");

Whereas, the City's Office of Planning and Economic Development ("OPED") is the designated office for overseeing the implementation of the 2020 Neighborhood Assistance Act Tax Credit Program;

Whereas, tax exempt entities and municipal agencies desiring to obtain benefits under the NAA must complete Form NAA-01, Connecticut Neighborhood Assistance Act Program Proposal, Parts I, II, and III and submit the form to OPED, which must then review and present the proposals to the Bridgeport City Council for approval, after which OPED may complete the corresponding Form NAA-01 Part IV for submittal to DRS on or before July 1 of each year;

Whereas, prior to OPED being authorized to submit Form NAA-01 Part IV to DRS, the Bridgeport City Council must vote to approve the programs;

Whereas, the attached list of organizations and programs represents the City's diversity and represents a spectrum of accomplished non-profit organizations pursuing innovative and effective programs;

**Whereas**, the Bridgeport City Council received this attached list of program proposals as an OPED submittal item on its City Council Agenda of May 4<sup>th</sup>, 2020;

Whereas, the Bridgeport City Council reviewed the list and the OPED submittal at the May 19<sup>th</sup>, 2020 meeting of its Economic and Community Development and Environment Committee;

Whereas, the Bridgeport City Council held a duly noticed public hearing on all program proposals at its meeting of June 1, 2020;

Whereas, the Bridgeport City Council finds that these program proposals are worthy of support;

Now therefore be it resolved that the Bridgeport City Council hereby approves the attached list of program proposals and respective organizations for submittal by the City's Office of Planning and Economic Development to the Connecticut Department of Revenue Services pursuant to the requirements of the 2020 Neighborhood Assistance Act.

**Be it further resolved** that the Mayor or the Director of OPED, as may be required by the Connecticut Department of Revenue Services or by the Statute, subject to the final review and approval of the City Attorney's Office as to form and content, is further authorized to execute any and all other documents, and to do any and all other things necessary in furtherance of and consistent with this resolution in the best interests of the City.

# Item# \*45-19 Consent Calendar

of the 2017 Amendments to Chapter 3.20 of the Municipal (Ref. #34-17 & #141-16) Resolution regarding the reversal Code of Ordinances - Tax Incentive Development Program.



# Report

# Committee

# **Ordinance**

City Council Meeting Date: May 4, 2020

following resolution #45-19 (Ref. #34-17 & #141-16) was approved by the City Council of the City of Bridgeport on May 4, 2020, and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the

authority granted to the Mayor under City Ordinance Chapter 3.08.040.

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the

hydie N. Martinez

Attest:

Lydia N. Martinez, City Clerk

Joseph P. Ganim, Mayor Approved by:

Date Signed:



### City of Bridgeport, Connecticut Office of the City Clerk

To the City Council of the City of Bridgeport.

The Committee on  $\underline{\mathbf{Ordinances}}$  begs leave to report; and recommends for adoption the following resolution:

Item No. \*45-19 (Ref. #34-17 & #141-16) Consent Calendar

WHEREAS, as one of its last acts the 2015-2017 Bridgeport City Council on October 16, 2017 gave approval to Item 141-16 and amended Chapter 3.20 of the Municipal Code – Tax Incentive Development Program; and

WHEREAS, the changes introduced into Chapter 3.20 of the Municipal Code - Tax Incentive Development Program on October 16, 2017 removed the Bridgeport City Council from a crucial legislative oversight role in the Tax Incentive Development Program approval process; and

**WHEREAS**, by amending Chapter 3.20 of the Municipal Code – Tax Incentive Development Program the previous City Council improperly delegated legislative responsibilities for protecting this city's taxpayers to the executive branch; and

WHEREAS, on January 16, 2018 Councilmembers Newton and Martinez introduced Item 34-17 calling for the changes to Chapter 3.20 of the Municipal Code - Tax Incentive Development Program be repealed and the original language to be re-enacted; and

WHEREAS, Councilmember Newton decided to adopt a wait and see approach to repealing the October 16, 2017 amendments to Chapter 3.20 of the Municipal Code - Tax Incentive Development Program while Item 34-17 was still in the Ordinance Committee and withdrew the Item 34-17 for the time being; and

WHEREAS, it continues to be shown that the October 16, 2017 revisions to Chapter 3.20 of the Municipal Code – Tax Incentive Development Program prevent the City Council from effective legislative oversight and hinder its responsibility to protect the taxpayers of Bridgeport; and

NOW, THEREFORE, BE IT RESOLVED by the Bridgeport City Council that the City Attorney provide the City Council guidance on the process needed to reverse or repeal the most recent amendments to Chapter 3.20 of the Municipal Code – Tax Incentive Development Program including the drafting of any language in the format necessary to reverse or repeal the changes made to Chapter 3.20 of the Municipal Code -Tax Incentive Development Program on October 16, 2017 and the process and language necessary to re-enact the previous language.



## City of Bridgeport, Connecticut Office of the City Clerk

Report of Committee on Ordinances

Item No. \*45-19 (Ref. #34-17 & #141-16) Consent Calendar

-2-

#### **ATTACHMENTS:**

Item 34-17; Item 141-16 and Chapter 3.20 of the Municipal Code - Tax Incentive Development Program.

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON ORDINANCES

Eneida L. Martinez, <b>Co-Chair</b>	Marcus A. Brown, <b>Co-Chair</b>
Michelle A. Lyons	Ernest E. Newton, II
Rosalina Roman-Christy	Avelino D. Silva
 Mar	ria I. Valle

City Council Date: May 4, 2020



19 10 Y 30 THE 33

#### Ernest E. Newton II Bridgeport City Council Member 139th District

May 30, 2019

Dear City Clerk's Office:

As stated at the at the Ordinance Committee Meeting on May 29, 2019 I withdraw the following submission, Item #34-17 (Ref. #141-16).

Sincerely,

#### Ernest E. Newton 11

Ernest E. Newton II

Co-Chair Committee on Contracts

Co-Chair Committee for Community Development Block Grant

Member Committee on Ordinances

Member Committee on Public Safety and Transportation

Council Liaison to Water Pollution Control Authority

Cell Phone: (475) 225-6769

Email: Ernest.Newton@bridgeportct.gov



#### OFFICE OF THE CITY CLERK **RESOLUTION FORM**

RECEIVED CITY CLERKS OFFICE

18 JAN -9 AM 9: 24

SECTION ATTEST. CITY COUNCIL SUBMISSION INFORMATION

Log ID/Item Number: 34-17 (Ref. #141-16)

Submitted by Councilmember(s):

Ernest E. Newton Co-Sponsors(s):

Eneida L. Martinez District: 139TH

Subject: Reversing the 2017 Amendments to Chapter 3.20 of the Municipal Code -

Tax Incentive Development Program

Referred to: Ordinance Committee City Council Date: January 16, 2018

#### SECTION II RESOLUTION (PLEASE TYPE BELOW)

WHEREAS, as one of its last acts the 2015-2017 Bridgeport City Council on October 16, 2017 gave approval to Item 141-16 and amended Chapter 3.20 of the Municipal Code - Tax Incentive Development Program; and

WHEREAS, the changes introduced into Chapter 3.20 of the Municipal Code - Tax Incentive Development Program on October 16, 2017 removed the Bridgeport City Council from a crucial legislative oversight role in the Tax Incentive Development Program approval process; and

WHEREAS, by amending Chapter 3.20 of the Municipal Code - Tax Incentive Development Program the previous City Council improperly delegated its legislative responsibilities for protecting this city's tax payers to the executive branch; and

NOW, THEREFORE BE IT RESOLVED by the Bridgeport City Council that the City Attorney provide the City Council with guidance on the process it needs to go through to reverse or repeal the most recent amendments to Chapter 3.20 of the Municipal Code – Tax Incentive Development Program including the drafting of any language in the format necessary to reverse or repeal the changes made to Chapter 3.20 of the Municipal Code -Tax Incentive Development Program on October 16, 2017.

#### Attached:

Item 141-16 and Chapter 3.20 of the Municipal Code -Tax Incentive Development Program



## OFFICE OF THE CITY CLERK RESOLUTION FORM

Response Received Date reply received  Yes No
☐ Yes ☐ No
☐ Yes ☐ No
□ Yes □ No □ Yes □ No □ Yes □ No □ Yes □ No
□ Yes □ No □ Yes □ No □ Yes □ No □ Yes □ No
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#### Chapter 3.20 - TAX INCENTIVE DEVELOPMENT PROGRAM

#### Sections:

3.20.010 - Established.

Pursuant to Connecticut General Statutes as amended ("Statutes"), including but not limited to Section 7-480, et seq., the Connecticut City and Town Development Act and more specifically, Section 7-480 of that Act; Section 12-65b; and Section 32-70, et seq., the Enterprise Zones Act, more specifically development program for the city.

(Ord. dated 10/15/90 (part): prior code § 24-170)

(Ord. dated 10/16/17)

3.20.020 - Program administration.

- A. Except for the establishment of property assessments as governed by the statutes of the state of Connecticut and the charter and ordinances of the city, the director of the office of planning and economic development (OPED) shall administer this tax incentive program.
- B. The attached policies and procedures, dated September 13, 2017 and entitled "Exhibit A OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy," (the "Policy") are hereby adopted and approved by the City Council.

(Ord. dated 10/15/90 (part): prior code § 24-171)

(Ord. dated 10/16/17)

3.20.030 - Eligibility criteria.

- A. Projects eligible for assistance under this chapter shall be for one of the following uses: office; retail; manufacturing; industrial; residential, if for rental use or low and moderate income (as defined by U.S. Dept. of H.U.D.) owner occupied units; transient residential, hotel/motel; warehousing, storage or distribution; and multilevel parking structures.
- B. Projects pursuant to Section 7-498 and 12-65b of the Statutes must have a minimum of three million dollars (\$3,000,000.00) in estimated costs of construction or rehabilitation, excluding the costs of real property acquisition.
- C. Projects pursuant to Section 32-71(e) of the Statutes within the enterprise zone as defined in ordinances of the city must have a minimum of one million dollars (\$1,000,000.00) in estimated costs of construction, rehabilitation and/or machinery and equipment, excluding the costs of real property acquisition.
- D. For purposes of this chapter, a project shall further be defined as being a property or group of adjacent properties for which an applicant:
  - 1. Has a plan of development compatible with the city's master plan;
  - Can show ownership or an option to own the property(ies) to accomplish the goals of the project plan; and
  - 3. Can meet the time-to-construct standards of Section 3.20.060.B.

- E. Developers or program participants seeking any benefit, part or whole, under the provisions of this chapter must show full inclusion of minority representation in the procurement of development contracts pursuant to each project seeking benefit (i.e., blacks, Hispanics and women).
- F. Developers or program participants in the tax incentive development program shall undertake affirmative action measures designed to eliminate any discriminating barriers in the terms and conditions of employment on the grounds of race, color, creed, national origin, ancestry or sex. Developers or program participants shall take affirmative action to involve minority contractors in the construction of projects receiving property tax incentives pursuant to this chapter. Program participants and/or their general contractors shall notify appropriate minority trade publications and general contractors associations of the subcontract opportunities. Program participants and/or their general contractors shall retain documentation of these notification attempts.
- G. In the event twenty (20) percent of the dollar value of total constructions costs is not awarded to minority- or women-owned contracting businesses, program participants and/or their general contractors shall be required to demonstrate that an extensive search for minority contractors has taken place for those elements of the project which have already been contracted. This chapter will apply in the absence of an affirmative action clause not already included by any of the following financing sources: U.S. Department of Housing and Urban Development, Connecticut Housing Finance Authority, State of Connecticut Department of Housing and the city of Bridgeport.
- H. Waivers. Developers and/or program participants may receive waivers to the twenty (20) percent set-aside goal if they can demonstrate through documentation of any of the following:
  - The unavailability of certified disadvantaged business enterprises and/or women business enterprises to perform the subcontracting work required under the contract;
  - That prices submitted by all available and certified disadvantaged business enterprises or women business enterprises exceed those submitted by nondisadvantaged business enterprises and women business enterprises, and that such excessive price is not the result of present effect or discrimination;
  - That it is economically or otherwise impractical for the contractor to break down the contract into subcontracts that would meet the set-aside goals; or
  - That the needed goods and services can only be provided by one source which is not a disadvantaged business enterprise or women business enterprise.

Initial waiver decisions will be made by the contract compliance officer and affirmative action officer subject to appeal to the common council.

(Ord. dated 5/6/91; Ord. dated 10/15/90 (part): prior code § 24-172)

( Ord. dated 4/1/13; Ord. dated 10/16/17)

3.20.040 - Economic justification.

- A. OPED shall subject all requests for assistance under this chapter to an economic pro forma analysis that will include, but not be limited to, the following factors: average construction costs of like structures, interest rates, vacancy and absorption rates, developer fees, market rents and pricing, comparable tax liabilities within the region, returns on cash and equity and such additional costs as may be associated with the development.
- B. In the event the applicant's request for assistance exceeds in extent of subsidy that amount which is determined to be fair and reasonable by OPED through economic analysis, OPED may grant greater assistance while also negotiating a recapture of the revenue foregone. Such funds recaptured shall, at a minimum, approximate the difference between OPED's determination of fair and reasonable subsidy and the final award of subsidy.

C. The intent of subsection A, of this section is to determine that: "but for" the assistance provided by this chapter, the project could not be built.

(Ord. dated 10/15/90 (part): prior code § 24-173)

(Ord. dated 10/16/17)

3.20.050 - Public benefits.

- A. All projects receiving assistance under this chapter shall comply with the public benefits test which shall include local land use and building regulation.
- B. OPED shall establish policies that consider such other public benefits/costs as, but not be limited to: parking impact, job generation, design standards, neighborhood impact, public service demand, and consistency with the city's adopted master development plan or other area specific development plans such as the downtown design district.

(Ord. dated 10/15/90 (part): prior code § 24-174)

(Ord. dated 10/16/17)

3.20.060 - Miscellaneous provisions.

- A. No property governed by a tax agreement shall generate less in property taxes or revenue in any year of the tax agreement than is received in the year prior to start of the tax agreement. This provision may be waived upon the following findings of the OPED director: 1) The project involves the adaptive reuse of the existing structure, or structures for commercial, industrial or mixed-use residential purposes; 2) The property has experienced significant vacancy for a period of five or more years prior to application for a tax incentive; 3) The project entails a construction cost investment (a) assessed value of the development property.
- B. Construction shall begin within two years and be substantially completed within four years of the granting of the tax agreement or such agreement shall terminate. Extensions may be granted by subsequent approval of the common council.
- C. Tax incentive development agreements in compliance with this section shall be recorded against title to, and conveyed with, the property, provided that each successive owner of the property, including those who acquire a controlling interest in the entity owning the property, accepts and assumes all of the original applicant's obligations to be performed under such tax incentive development agreement, demonstrates its ability to carry out such obligations, and executes an agreement with OPED to be recorded on the land records. OPED may consent to such assignment in the exercise of its commercial business judgment, reasonably exercised.
- D. In order to become effective, tax incentive development agreements and any subsequent and related tax, payback or recapture agreements shall be recorded on the land records of the city.
- E. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.
- F. Tax incentive development agreements and all nonexempt information submitted to OPED by the applicant shall be subject to the Connecticut Freedom of Information Act, as amended, Section 1-15 et seq.
- G. Once an application meets the eligibility criteria, public benefits and economic analysis tests established by OPED in accordance with this chapter, OPED shall make a determination as to the extent of tax incentive to be granted to a particular project and shall submit the tax incentive

development agreement to the Mayor for execution in accordance with the Policy adopted by the City Council per 3.20.020.B. No tax incentive exceeding that set forth in the Policy adopted by the City Council may be granted by OPED without final approval of the City Council, in which case the initial application must be forwarded to the City Council with a written report from OPED explaining OPED's rationale for recommending the tax incentive development agreement.

- H. Upon completion of construction, OPED shall secure a certification of the costs to construct the facility(ies) comprising the project receiving the tax incentive development agreement. If the costs determine the tax incentive development agreement's value, OPED shall make an adjustment to the tax incentive development agreement to reflect such cost differential. The tax incentive development agreement shall not be effective until a certificate of costs is received.
- An applicant for a tax incentive development agreement who is able to demonstrate negotiations
  within the city or its agencies prior to the adoption of the ordinance codified in this chapter by written
  proof of letter from the city, may be considered for special exemptions to this chapter by the common
  council. This subsection providing for special exemptions shall expire on December 31, 1990.

(Ord. dated 4/2/01; Ord. dated 1/4/99; Ord. dated 10/15/90 (part): prior code § 24-175)

( Ord. dated 4/1/13; Ord. dated 11/4/13; Ord. dated 10/16/17)

3.20.070 - Two-year tax incentive bonus areas.

- A. Eligible Projects. It shall be the policy of the city to offer, as a special development incentive from the date of enactment of the ordinance codified in this chapter, until December 31, 1992, in limited geographic areas of the city as outlined in subsection C of this section for commercial and residential projects meeting or exceeding twenty million dollars (\$20,000,000.00) in the costs of construction or rehabilitation exclusive of real property acquisition, and that comply with criteria established in or for Sections 3.20.030, 3.20.050 and 3.20.060, a tax fixing development agreement equal to one hundred (100) percent exemption of the increased assessment attributable to the improvements for a period of five years from the granting of the permanent certificate of occupancy.
- B. Economic Justification. During the special development window, projects meeting the eligibility criteria established in subsection A of this section shall be exempt from Section 3.20.040.
- C. Geographic Area. Areas eligible for this special program shall be located only in the "downtown" and "lower east side" as defined by that area within the following boundaries: "downtown": as defined by that area bounded on the north by Washington Avenue, on the west by Route 8/25 highway, on the south by the Interstate-95 highway and on the east by the Bridgeport Harbor/Pequonnock Riverfront; Railroad, on the east by the Yellow Mill Pond and south and west by the Bridgeport Harbor/Pequonnock Riverfront.
- D. Other Projects and Areas. It is not the intent of this special program to exclude tax incentive contracts in other areas of the city of projects with costs ranging from three million dollars (\$3,000,000.00) to twenty million dollars (\$20,000,000.00). Such other projects may remain eligible for some level of benefits as determined by OPED economic analysis and public benefits tests as provided for in Sections 3.20.010 through 3.20.060 of this chapter.
- E. Eighteen-Month Review. OPED shall present a report on the usefulness of the special two-year tax incentive bonus areas program within eighteen (18) months of its enactment for the review of the common council.

(Ord. dated 10/15/90 (part): prior code § 24-176)

(Ord. dated 10/16/17)

# 到tem# \*141-16 Consent Calendar

Amendments to the Municipal Code of Ordinances, amend Chapter 3.20 - Tax Incentive Development Program.



Report of Committee on

**Prdinances** 

City Council Meeting Date: October 16, 2017

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Lydia N. Martinez, City Clerk

Attest:

ATTEST CITY CLERK

Date Sig

Approved by:

Ganim, Mayor

CITY CLERKS OFFICE RECEIVED



Co the City Council of the City of Bridgeport.

The Committee on Ordinances begs leave to report; and recommends for adoption the following resolution:

Item No. 141-16

# Resolution Amending Chapter 3.20 of the Municipal Code

WHEREAS, Chapter 3.20 of the Bridgeport Municipal Code (the "Ordinance") establishes a "Tax Incentive Development Program" (the "Program") to promote development and increase tax revenue for the City;

WHEREAS, Section 3.20.020(A) of the Ordinance charges the Director of the City's Office of Planning and Economic Development ("OPED") with the responsibility of administering the Program;

WHEREAS, pursuant to Sec 3.20.020(B) of the Ordinance, OPED has established uniform and consistent policies, procedures and forms by which to administer the Ordinance (such policies, procedures, and forms attached hereto as Exhibit A – OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy - Dated 9-13-17 -- and herein referred to as the "Policy");

WHEREAS, the Policy provides specific limiting parameters within which OPED must operate in its administration of the Program; and

WHEREAS, in order to maximize the tax revenue generated per the Policy, the Program must be administered in an efficient, transparent, and predictable manner.

**NOW THEREFORE BE IT ORDAINED**: By the City Council of the City of Bridgeport that, effective upon publication, the Municipal Code of Ordinances, Chapter 3.20. Tax Incentive Development Program, is hereby amended to read as follows:

# Chapter 3.20 - TAX INCENTIVE DEVELOPMENT PROGRAM

#### Sections:

3.20.010 - Established.

Pursuant to Connecticut General Statutes as amended ("Statutes"), <u>including but not limited to Section 7-480</u>, et seq., the Connecticut City and Town Development Act and more specifically, Section 7-498 of that Act; Section 12-65b; and Section 32-70, et seq., the Enterprise Zones Act, more specifically Section 32-71(e) of that act; the ordinance codified in this chapter establishes a tax incentive development program for the city.

(Ord. dated 10/15/90 (part): prior code § 24-170)



Report of Committee on Ordinances
Item No. 141-16

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# 3.20.020 - Program administration.

- A. Except for the establishment of property assessments as governed by the statutes of the state of Connecticut and the charter and ordinances of the city, the director of the office of planning and **economic** development (OPED) shall administer this
- B. The attached policies and procedures, dated September 13, 2017 and entitled "Exhibit A OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy," (the "Policy") are hereby adopted and approved by the City Council.
- [B. OPD shall establish uniform and consistent policies, procedures and forms to ensure compliance with this chapter, making such procedures, and forms publicly available within one hundred twenty (120) days of the enactment of this chapter.
- C. The policies, procedures and forms shall be made available for public comment for a thirty (30) day period prior to their implementation and shall be approved by the common council through the office of the city clerk.
- D. The applicant for a tax incentive shall submit a letter of request for such a tax incentive which shall disclose all principals of the applicant. The letter shall substantially conform to the federal redeveloper statement for public disclosure and the federal redeveloper's statement of qualifications and financial responsibility. The applicant must complete and file with OPDOPED all other necessary forms required by OPD.

(Ord. dated 10/15/90 (part): prior code § 24-171)

# 3.20.030 - Eligibility criteria.

- A. Projects eligible for assistance under this chapter shall be for one of the following uses: office; retail; manufacturing; industrial; residential, if for rental use or low and moderate income (as defined by U.S. Dept. of H.U.D.) owner occupied units; transient residential, hotel/motel; warehousing, storage or distribution; and multilevel parking structures.
- B. Projects pursuant to Section 7-498 and 12-65b of the Statutes must have a minimum of three million dollars (\$3,000,000.00) in estimated costs of construction or rehabilitation, excluding the costs of real property acquisition.



Report of Committee on Ordinances Item No. 141-16

-3-

- C. Projects pursuant to Section 32-71(e) of the Statutes within the enterprise zone as defined in ordinances of the city must have a minimum of one million dollars (\$1,000,000.00) in estimated costs of construction, rehabilitation and/or machinery and equipment, excluding the costs of real property acquisition.
- D. For purposes of this chapter, a project shall further be defined as being a property or group of adjacent properties for which an applicant:
  - 1. Has a plan of development compatible with the city's master plan;
  - Can show ownership or an option to own the property(ies) to accomplish the goals of the project plan; and
  - 3. Can meet the time-to-construct standards of Section 3.20.060(B).
- E. Developers or program participants seeking any benefit, part or whole, under the provisions of this chapter must show full inclusion of minority representation in the procurement of development contracts pursuant to each project seeking benefit (i.e., blacks, hispanics and women).
- F. Developers or program participants in the tax incentive development program shall undertake affirmative action measures designed to eliminate any discriminating barriers in the terms and conditions of employment on the grounds of race, color, creed, national origin, ancestry or sex. Developers or program participants shall take affirmative action to involve minority contractors in the construction of projects receiving property tax incentives pursuant to this chapter. Program participants and/or their general contractors shall notify appropriate minority trade publications and minority contractors associations of the subcontract opportunities. Program participants and/or their general contractors shall retain documentation of these notification attempts.
- G. In the event twenty (20) percent of the dollar value of total constructions costs is not awarded to minority- or women-owned contracting businesses, program participants and/or their general contractors shall be required to demonstrate that an extensive search for minority contractors has taken place for those elements of the project which have already been contracted. This chapter will apply in the absence of an affirmative action clause not already included by any of the following financing sources: U.S. Department of Housing and Urban Development, Connecticut Housing Finance Authority, State of Connecticut Department of Housing and the city of Bridgeport.



Report of Committee on Ordinances Item No. 141-16

-4-

- H. Waivers. Developers and/or program participants may receive waivers to the twenty (20) percent set-aside goal if they can demonstrate through documentation of any of the following:
  - The unavailability of certified disadvantaged business enterprises and/or women business enterprises to perform the subcontracting work required under the contract;
  - That prices submitted by all available and certified disadvantaged business enterprises or women business enterprises exceed those submitted by nondisadvantaged business enterprises and women business enterprises, and that such excessive price is not the result of present effect or discrimination;
  - That it is economically or otherwise impractical for the contractor to break down the contract into subcontracts that would meet the set-aside goals; or
  - 4. That the needed goods and services can only be provided by one source which is not a disadvantaged business enterprise or women business enterprise.

Initial waiver decisions will be made by the contract compliance officer and affirmative action officer subject to appeal to the common council.

(Ord. dated 5/6/91; Ord. dated 10/15/90 (part): prior code § 24-172)

(Ord. dated 4/1/13)

# 3.20.040 - Economic justification.

- A. OPDOPED shall subject all requests for assistance under this chapter to an economic pro forma analysis that will include, but not be limited to, the following factors: average construction costs of like structures, interest rates, vacancy and absorption rates, developer fees, market rents and pricing, comparable tax liabilities within the region, returns on cash and equity and such additional costs as may be associated with the development.
- B. In the event the applicant's request for assistance exceeds in extent of subsidy that amount which is determined to be fair and reasonable by OPDOPED through economic analysis, OPDOPED may grant greater assistance while also negotiating a recapture of the revenue foregone. Such funds recaptured shall, at a minimum, approximate the difference between OPDOPED's determination of fair and reasonable subsidy and the final award of subsidy.



Report of Committee on Ordinances Item No. 141-16

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C. The intent of subsection A of this section is to determine that: "but for" the assistance provided by this chapter, the project could not be built.

(Ord. dated 10/15/90 (part): prior code § 24-173)

### 3.20.050 - Public benefits.

- A. All projects receiving assistance under this chapter shall comply with the public benefits test which shall include local land use and building regulation.
- B. OPDOPED shall establish policies that consider such other public benefits/costs as, but not be limited to: parking impact, job generation, design standards, neighborhood impact, public service demand, and consistency with the city's adopted master development plan or other area specific development plans such as the downtown design district.

(Ord. dated 10/15/90 (part): prior code § 24-174)

# 3.20.060 - Miscellaneous provisions.

- A. No property governed by a tax agreement shall generate less in property taxes or revenue in any year of the tax agreement than is received in the year prior to start of the tax agreement. This provision may be waived upon the following findings of the OPED director: 1) The project involves the adaptive reuse of the existing structure, or structures for commercial, industrial or mixed-use residential purposes; 2) The property has experienced significant vacancy for a period of five or more years prior to application for a tax incentive; 3) The project entails a construction cost investment (a) in excess of five million dollars (\$5,000,000.00) and (b) at least one and one-half the pre-project assessed value of the development property.
- B. Construction shall begin within two years and be substantially completed within four years of the granting of the tax agreement or such agreement shall terminate. Extensions may be granted by subsequent approval of the common council.



Report of Committee on Ordinances Item No. 141-16

-6-

- C. Tax incentive development agreements in compliance with this section shall be recorded against title to, and conveyed with, the property, provided that each successive owner of the property, including those who acquire a controlling interest in the entity owning the property, accepts and assumes all of the original applicant's obligations to be performed under such tax incentive development agreement, demonstrates its ability to carry out such obligations, and executes an agreement with OPED to be recorded on the land records. OPED may consent to such assignment in the exercise of its commercial business judgment, reasonably exercised.
- D. In order to become effective, tax incentive development agreements and any subsequent and related tax, payback or recapture agreements shall be recorded on the land records of the city.
- E. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.
- F. Tax incentive development agreements and all nonexempt information submitted to OPDOPED by the applicant shall be subject to the Connecticut Freedom of Information Act, as amended, Section 1-15 et seq.
- G. Once an application meets the eligibility criteria, public benefits and economic analysis tests established by OPDOPED in accordance with this chapter, [the application shall be forwarded with a report from OPD to the common council for final approval. The report shall explain OPD's rationale for granting and determining the extent of the tax incentive as well as identifying the portion of the tax fixing agreements value attributable to the economic analysis conducted in accordance with Section 3.20.040 and that value attributable to the public benefits gained as defined in Section 3.20.050]. OPED shall make a determination as to the extent of tax incentive to be granted to a particular project and shall submit the tax incentive development agreement to the Mayor for execution in accordance with the Policy adopted by the City Council per 3.20.020(b). No tax incentive exceeding that set forth in the Policy adopted by the City Council may be granted by OPED without final approval of the City Council, in which case the initial application must be forwarded to the City Council with a written report from OPED explaining OPED's rationale for recommending the tax incentive development agreement.



Report of Committee on Ordinances Item No. 141-16

-7-

- H. Upon completion of construction, OPDOPED shall secure a certification of the costs to construct the facility(ies) comprising the project receiving the tax incentive development agreement. If the costs are less than ninety-five (95) the tax incentive development agreement's value, OPDOPED shall make an adjustment to the tax incentive development agreement to reflect such cost differential. The tax incentive development agreement shall not be effective until a certificate of costs is received.
- I. An applicant for a tax incentive development agreement who is able to demonstrate negotiations within the city or its agencies prior to the adoption of the ordinance codified in this chapter by written proof of letter from the city, may be considered for special exemptions to this chapter by the common council. This subsection providing for special exemptions shall expire on December 31, 1990.

(Ord. dated 4/2/01; Ord. dated 1/4/99; Ord. dated 10/15/90 (part): prior code § 24-175)

(Ord. dated 4/1/13; Ord. dated 11/4/13)

# 3.20.070 - Two-year tax incentive bonus areas.

- A. Eligible Projects. It shall be the policy of the city to offer, as a special development incentive from the date of enactment of the ordinance codified in this chapter, until December 31, 1992, in limited geographic areas of the city as outlined in subsection C of this section for commercial and residential projects meeting or exceeding twenty million dollars (\$20,000,000.00) in the costs of construction or rehabilitation exclusive of real property acquisition, and that comply with criteria established in or for Sections 3.20.030, 3.20.050 and 3.20.060, a tax fixing development agreement equal to one hundred (100) percent exemption of the increased assessment attributable to the improvements for a period of five years from the granting of the permanent certificate of occupancy.
- B. Economic Justification. During the special development window, projects meeting the eligibility criteria established in subsection A of this section shall be exempt from Section 3.20.040.



Report of Committee on Ordinances Item No. 141-16

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- C. Geographic Area. Areas eligible for this special program shall be located only in the "downtown" and "lower east side" as defined by that area within the following boundaries: "downtown": as defined by that area bounded on the north by Washington Avenue, on the west by Route 8/25 highway, on the south by the Interstate-95 highway and on the east by the Bridgeport Harbor/Pequonnock Riverfront; and in the "lower east side": as defined by that area bounded on the north by the Metro-North Railroad, on the east by the Yellow Mill Pond and south and west by the Bridgeport Harbor/Pequonnock Riverfront.
- D. Other Projects and Areas. It is not the intent of this special program to exclude tax incentive contracts in other areas of the city of projects with costs ranging from three million dollars (\$3,000,000.00) to twenty million dollars (\$20,000,000.00). Such other projects may remain eligible for some level of benefits as determined by OPDOPED economic analysis and public benefits tests as provided for in Sections 3.20.010 through 3.20.060 of this chapter.
- E. Eighteen-Month Review. OPDOPED shall present a report on the usefulness of the special two-year tax incentive bonus areas program within eighteen (18) months of its enactment for the review of the common council.

(Ord. dated 10/15/90 (part): prior code § 24-176)



Report of Committee on Ordinances Item No. 141-16

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#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON ORDINANCES

Eneida L. Martinez, D-139th, Co-Chair

Jose R. Casco, D-136th, Co-Chair

Kathryn M. Bukovsky, D\130th

City Council Date: October 16, 2017

#### **EXHIBIT A**

September 13, 2017 OPED

"Tax Incentive Development Policy"

"Affordable Housing Tax Incentive Development Policy"

Ch. 3.20 Municipal Code - Tax Incentive Development Program

Ch. 3.24 Municipal Code – Affordable Housing Tax Incentive Development Program

1)OPED Director shall administer these tax incentive development programs -per Ch 3.20.020 (A) and Ch 3.24.020 (A)

2)Developers shall make application using standardized form

- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

- -Form Shall Be: CHFA DOH Consolidated Application (8-16-17), applicable sections, minimally:
- -detailed development budget
- -detailed sources and uses of funds
- -20 year operating pro-forma
- -(see form attached)

3)OPED shall follow standardized 3-step procedure for review of applications

Step 1: Initial Analysis for Completion of Application

Step 2: Financial Analysis - Economic Justification Analysis

Step 3: Calculation of Allowable Tax Payment Within Policy Parameters

- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

# 3A) Step One of Review - Initial Review of Application for Completeness

# Review of Developer's experience, standing, financial capacity to confirm:

- a)evidence of positive long-term banking relationships
- b)evidence of previous project completions
- c)absence of prejudicial litigation or judgments
- d)absence of city-developer litigation other than normal assessment appeal
- e)absence of non-compliance with any other city regulatory requirements
- f)evidence that applicant is current on all local tax and user fee obligations
- f)financial strength as evidenced by CPA-reviewed-quality financial statements (2 years)

# Review of Completeness of Development Proposal to confirm that it provides:

- a) construction or rehabilitation costs
- b) rents and/or sales prices
- c) vacancy and absorption rates
- d) cost of, and amount of, financing
- e) developer fees as percentage of cost
- f) return on equity invested
- g) transactional costs in structuring deal and closing financing
- h) carrying costs and soft costs during pre-development and construction
- i) operating costs once stabilized
- j) assumptions as to escalators on revenue and expenses
- k) acquisition cost recognized at lesser of purchase price or current appraised value

#### Issue Report to Developer:

OPED shall issue written report to Developer confirming that the Application is complete, or detailing what information needs to be submitted or clarified. Developer may resubmit additional or clarifying evidence for further City review.

# 3B) Step Two of Review - Economic Justification Analysis -

- Per 3.20.040

#### Developer Equity Contribution\*

Minimum of 5% of Total Development Cost ("TDC") on Deed-Restricted Income-Limited\* Deals Minimum of 10-15% of TDC on Strictly Commercial (non-residential) Deals Minimum of 10-15% on Market-Rate Residential and Mixed-Use Deals

#### **Private Financing**

Maximized per project's cash flow debt-carrying capacity
Per prevailing lender loan-to-value ratios: (e.g. 50% to 70% of finished appraised value)
Per prevailing lender debt-coverage ratios: (e.g. of 1.0 to 1.4)

#### **Public Funding**

As applicable and available, maximizing use of State and Federal Funding Resources

#### Reasonable Developer Return

For Deed-Restricted Income-Limited, allow up to 15% of TDC allowed as Developer Fee

For Commercial and Market-Rate Residential Deals, allow up to:

- 20% "Internal Rate of Return" over 20 years as modeled at prevailing capitalization rate
- 12% "Cash-on-Cash Return" Measured in Stable Operating Year (year #2)
  - Cash Flow (After Vacancy, Operating Expenses, Taxes, Debt Service / Equity
- 8% "Cash-on Cost Return" in Stable Operating Year (year #2)
  - o Net Operating Income (After Vacancy, Operating Expenses, Taxes) / TDC

1)Value of property and improvements as determined by appraisal at time of City analysis
2)Value of cash contributed by the developer toward development, as opposed to pure carrying costs
3)Value of deferred developer fees

<sup>\*</sup>Deed Restricted Income-Limited shall mean residential units which, by deed-restriction, may only be rented or owned by households earning less than 80% of the Area's Median Income as defined by HUD. Market Rate Residential shall mean residential units to which no income-limiting deed-restriction applies, with the exception of income-limiting deed restrictions that allow for such units to be rented or owned by households earning equal to or more than 80% of the Area's Median Income as defined by HUD.

<sup>\*</sup>Developer Equity Shall Include:

# <u>3C) Step Three</u> – Calculation of Tax Payment Within Policy Parameters

- per 3.20.040 (C)

#### Length of term:

-up to 2 years during construction -up to 20 years during operations

# Pre-Existing Tax and Tax During Construction and 1st Year of Operation

- -Pre-existing tax payment obligation shall remain and may not be reduced
- -No new incremental tax payment shall be due during construction
- -No new incremental tax payment shall be due during first year of operation

# New Base Tax Payment and Escalation Schedule

# Commercial and, Market-Rate Development:

New base tax payment shall be due the second year of operation and shall be between 2.5% and 7.5% of the project's EGI, provided that, as applies to commercial development, the new base tax payment shall be no less than \$1.00 per gross square foot of development, and further provided that, as applies to residential or mixed-use (residential and commercial) development, the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. The new base tax payment shall remain fixed for operating years 2-7 and then shall escalate annually to reach full taxation in the year following the end of the term.

# Deed-Restricted Development:

As applies to deed-restricted residential or mixed-use (residential and commercial) development, the new base tax payment shall be due the second year of the operation and shall be between 7.5% and 10% of the project's EGI, provided that the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. Beginning in the third year of operation, the new base tax payment shall escalate annually to reach full taxation in the year following the end of the term.

"EGI" = "Effective Gross Income" = gross revenue minus vacancy and operating exps. Vacancy Allowance for Deed-Restricted Residential shall be 5%

Vacancy Allowance for Non-Deed-Restricted Residential shall be 10%

Vacancy Allowance for Commercial Space within Mixed-Use Buildings shall be 25% Base Tax Payment derived on blended basis for mixed-use or multiple property deals

# 4) Enforcement Policy, Verifications, and Claw-Back Provisions:

- -Development costs certified upon completion of construction
- -Cost discrepancy ( >20%) triggers claw-back or commensurate adjustment of tax payment
- -All Agreements filed on Land Records
- -OPED retains right of review and consent as to successors and assigns.
- -Projects convert to full taxation upon default
- -Owner must submit annual CPA-reviewed financial statements for project and/or tax returns
- -OPED to conduct Variance Analysis Annually
- -If Variance Analysis Reveals Discrepancy (>20% over EGI), then claw-back provisions apply
- -Claw-Back via lump-sum retroactive payment or by adjustment of tax payment going forward

# 5)OPED Reporting Requirements to City Council

#### a) Deal Specific Reporting

Within 30 days of the execution of any specific Tax Incentive Agreement, OPED shall provide to the City Council an Executive Summary Report of the Incentive Agreement, detailing:

- 1)The specific schedule of new tax payments to be made under the Agreement;
- 2)The cumulative value of new tax payments to be made under the Agreement;
- 3)The cumulative value of the theoretical taxes foregone under the Agreement
- 4)A direct comparison of new tax payments realized versus theoretical tax payments foregone:
- 5)The value of the investment to be made in the City per the Agreement
- 6)The impact of the investment on the assessed value of the property

# b)Program-Wide Reporting

Every six months, beginning June 30th, 2018, OPED shall provide the City Council with a Summary Report as to the Tax Incentive Program's cumulative impact with regard to:

- 1)Total number of Tax Incentive Agreements executed
- 2)Total amount of new tax revenue to be realized
- 3)Total value of theoretical taxes to be foregone
- 4)Total investment leveraged
- 5)Geographic locations of projects approved
- 6)Total commercial square footage
- 7)Total residential units and type
- 8)Total impact on underlying assessed value of properties

# Item# \*46-19 Consent Calendar

(Ref. #35-17 & 142-16) Resolution regarding the reversal of the 2017 Amendments to Chapter 3.24 of the Municipal Code of Ordinances – Affordable Housing Tax Incentive Development Program.



# Report of

# Committee on

# Ordinance

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #46-19 (Ref. #35-17 & #142-16) was approved by the City Council of the City of Bridgeport on May 4, 2020, and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the

authority granted to the Mayor under City Ordinance Chapter 3.08.040.

City Council Meeting Date: May 4, 2020

Attest:

Lydia N. Martinez, City Clerk

Approved by: Joseph P. Ganim, Mayor

Date Signed:



To the City Council of the City of Bridgeport.

The Committee on  $\underline{\text{Ordinances}}$  begs leave to report; and recommends for adoption the following resolution:

Item No. \*46-19 (Ref. #35-17 & #142-16) Consent Calendar

WHEREAS, as one of its last acts the 2015-2017 Bridgeport City Council on October 16, 2017 gave approval to Item 142-16 and amended Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program; and

WHEREAS, the changes introduced into Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program on October 16, 2017 removed the Bridgeport City Council from a crucial legislative oversight role in the Affordable Housing Tax Incentive Development Program approval process; and

WHEREAS, by amending Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program the previous City Council improperly delegated legislative responsibilities for protecting this city's taxpayers to the executive branch; and

WHEREAS, on January 16, 2018 Councilmembers Newton and Martinez introduced Item 35-17 calling for the changes to Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program be repealed and the original language to be re-enacted; and

WHEREAS, Councilmember Newton decided to adopt a wait and see approach to repealing the October 16, 2017 amendments to Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program while Item 35-17 was still in the Ordinance Committee and withdrew the Item 35-17 for the time being; and

WHEREAS, it continues to be shown that the October 16, 2017 revisions to Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program prevent the City Council from effective legislative oversight and hinder its responsibility to protect the taxpayers of Bridgeport; and

NOW, THEREFORE, BE IT RESOLVED by the Bridgeport City Council that the City Attorney provide the City Council guidance on the process needed to reverse or repeal the most recent amendments to Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program including the drafting of any language in the format necessary to reverse or repeal the changes made to Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program on October 16, 2017 and the process and language necessary to re-enact the previous language.



Report of Committee on Ordinances

Item No. \*46-19 (Ref. #35-17 & #142-16) Consent Calendar

-2-

#### ATTACHMENT:

Item 35-17; Item 142-16 and Chapter 3.24 of the Municipal Code – Affordable Housing
Tax Incentive Development Program

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON ORDINANCES

Eneida L. Martinez, <b>Co-Chair</b>	Marcus A. Brown, <b>Co-Chair</b>	
Michelle A. Lyons	Ernest E. Newton, II	
Rosalina Roman-Christy	Avelino D. Silva	
	ria I. Valle	

City Council Date: May 4, 2020



CITY EL PERICE 19 MAY 30 MM 10: 33

# Ernest E. Newton II Bridgeport City Council Member 139th District

May 30, 2019

Dear City Clerk's Office:

As stated at the at the Ordinance Committee Meeting on May 29, 2019 I withdraw the following submission, Item #35-17 (Ref. #142-16).

Sincerely,

Ernest E. Newton 11

Ernest E. Newton II

Co-Chair Committee on Contracts

Co-Chair Committee for Community Development Block Grant

Member Committee on Ordinances

Member Committee on Public Safety and Transportation

Council Liaison to Water Pollution Control Authority

Cell Phone: (475) 225-6769

Email: Ernest.Newton@bridgeportct.gov



# OFFICE OF THE CITY CLERK RESOLUTION FORM

RECEIVED CITY CLERKS OFFICE

18 JAN -9 AM 9: 24

ATTEST

SECTION CITY COUNCIL SUBMISSION INFORMATION Log ID/Item Number: 35-17 (Ref. #142-16) Submitted by Councilmember(s): Ernest E. Newton Co-Sponsors(s): Eneida L. Martinez District: Subject: Reversing the 2017 Amendments to Chapter 3.24 of the Municipal Code -Affordable Housing Tax Incentive Development Program Referred to: Ordinance Committee City Council Date: January 16, 2018

SECTION II

# RESOLUTION (PLEASE TYPE BELOW)

WHEREAS, as one of its last acts the 2015-2017 Bridgeport City Council on October 16, 2017 gave approval to Item 142-16 and amended Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program; and

WHEREAS, the changes introduced into Chapter 3.24 of the Municipal Code - Affordable Housing Tax Incentive Development Program on October 16, 2017 removed the Bridgeport City Council from a crucial legislative oversight role in the Affordable Housing Tax Incentive Development Program approval process; and

WHEREAS, by amending Chapter 3.24 of the Municipal Code - Affordable Housing Tax Incentive Development Program the previous City Council improperly delegated its legislative responsibilities for protecting this city's taxpayers to the executive branch; and

NOW, THEREFORE BE IT RESOLVED by the Bridgeport City Council that the City Attorney provide the City Council with guidance on the process it needs to go through to reverse or repeal the most recent amendments to Chapter 3.24 of the Municipal Code - Affordable Housing Tax Incentive Development Program including the drafting of any language in the format necessary to reverse or repeal the changes made to Chapter 3.24 of the Municipal Code – Affordable Housing Tax Incentive Development Program on October 16, 2017.

#### Attached:

Item 142-16 and Chapter 3.24 of the Municipal Code - Affordable Housing Tax Incentive Development Program



# OFFICE OF THE CITY CLERK RESOLUTION FORM

	SEQUENT REFERRALS/RE Referral date sent	Response Received	
Cross we were		☐ Yes ☐ No	Date reply received
Colors to the second se		□ Yes □ No	
the day of the co			
to repetition,		□ Yes □ No	
Property of the second		□ Yes □ No	
Turbed an Home		□ Yes □ No	
provide an it was		□ Yes □ No	
Handhir att fra 19		□ Yes □ No □ Yes □ No	
house in them		□ Yes □ No	
ECTION IV	PUBLIC HEARING		
ublic Hearing Required	Details	a St. America	3
□ Yes □ No	Public Hearing Ordered on:	Date	· · · · · · · · · · · · · · · · · · ·
	CT Post Publication Date(s):		
	Public Hearing Held on:		
ECTION V			
tion an insti	AMENDMENTS/E	XHIBITS	
	□Yes □ No	Date:	7/2-11/1
CTION VI	COMMITTEE ACTION/APPI	ROVAL INFORMATION	and the second s
oose an item	□Yes □ No	Date:	,
NSC an item	□Yes □ No	Date:	
icae an item	□Yes □ No	Date:	
CTION VII			
rose an iren	WITHDRAWN/SINE	DIE INFORMATION	
	□Yes □ No	Date:	
CTION VIII	DATE OF APPROVA	L/DENIAL FROM CITY	COUNCIL
ty Council Approval Date:	-		and the state of t
y Council Approvat Date:			
CTION IX			

RES. #35-17 (Ref. #142-16) Ref'd to Ordinance Committee on 01/16/2018.

Chapter 3.24 - AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAMIN

Sections:

Footnotes:

--- (1) ---

Editor's note— An ordinance adopted Nov. 4, 2013 amended Ch. 3.24 in its entirety as herein set out. Former Ch. 3.24, §§ 3.24.010—3.24.040 pertained to the affordable housing development program, and derived from prior code §§ 24-180—24-183; and an ordinance adopted March 15, 1993.

3.24.010 - Established.

Pursuant to Connecticut General Statutes as amended ("Statutes"), including but not limited to Section 8-215 and Section 8-216; the ordinance codified in this chapter establishes an affordable housing tax incentive development program for the city, and allows for the abatement of real property taxes until such time that such housing is not solely for low or moderate-income persons or families.

( Ord. dated 11/4/13; Ord. dated 10/16/17)

3.24.020 - Program administration.

- A. Except for the establishment of property assessment as governed by the statutes of the state of Connecticut, and the charter and ordinances of the city, the director of the office of planning and economic development (OPED) shall administer this tax incentive program.
- The attached policies and procedures, dated September 13, 2017 and entitled "Exhibit A OPED -Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy," (the "Policy") are hereby adopted and approved by the City Council.

( Ord. dated 11/4/13; Ord. dated 10/16/17)

3.24.030 - Eligibility criteria.

- Projects eligible for assistance under this chapter must be projects that include housing for low or moderate-income persons or families as defined by the US Department of Housing and Urban Development or as defined by the state of Connecticut Department of Housing, the state of Connecticut Department of Economic and Community Development, or by the Connecticut Housing Finance Authority, or by their successor agencies in the federal or state government.
- B. A tax incentive development agreement shall provide that moneys equal to the amount of such tax incentive shall be used for any one or more of the purposes stated in Section 3.24.040.A hereof and that such tax incentive shall terminate at any time when such housing is not solely for low or moderate-income persons or families.

( Ord. dated 11/4/13; Ord. dated 10/16/17)

3.24.040 - Miscellaneous.

A. All projects receiving a tax incentive under this chapter are receiving the incentive so as to achieve one or more of the following objectives:

- (1) To reduce rents below the levels that would be achieved in the absence of such tax incentive and to improve the quality and design of such housing;
- (2) To effect occupancy of such housing by persons and families of varying income levels within limits determined by the relevant agencies as described in Section 3.24.030 hereof; or
- (3) To provide necessary, related and complementary facilities or services in such housing.
- B. Tax incentive development agreements in compliance with this section shall be recorded against title to, and shall be conveyed with, the property, provided that each successive owner of the property. Including those who acquire a controlling interest in the entity owning the property, accepts and development agreement, demonstrates its ability to carry out such obligations, and executes an in the exercise of its commercial business judgment, reasonably exercised.
- C. To become effective, tax incentive development agreements shall be executed as a contract between the owner of the property and the city and shall be recorded on the land records of the city.
- D. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.
- E. Tax incentive development agreements and all nonexempt information submitted to OPED by the applicant shall be subject to the Connecticut Freedom of Information Act as amended, Section 1-15
- F. Once an application meets the eligibility criteria established by OPED in accordance with this chapter, OPED shall make a determination as to the extent of tax incentive to be granted to a particular project and shall submit the tax incentive development agreement to the Mayor for execution in accordance with the Policy adopted by the City Council per 3.24.020(b). No tax without final approval of the City Council, in which case the initial application must be forwarded to the City Council with a written report from OPED explaining OPED's rationale for recommending the tax incentive development agreement.

( Ord. dated 11/4/13; Ord. dated 10/16/17)

# Item# \*142-16 Consent Calendar

Amendments to the Municipal Code of Ordinances, amend Chapter 3.24 – Affordable Housing Tax Incentive Development Program.



Report of Committee on

**Britinances** 

City Council Meeting Date: October 16, 2017

ATTEST CITY CLERK

Date Signe

Approved by:

inim, Mayor

Attest:

Ripain M. Martine

Lydia N. Marti

es, City Clerk

CITY CLERKS OFFICE



Co the City Council of the City of Bridgeport.

The Committee on <u>Ordinances</u> begs leave to report; and recommends for adoption the following resolution:

Item No. 142-16

# Resolution Amending Chapter 3.24 of the Municipal Code

WHEREAS, Chapter 3.24 of the Bridgeport Municipal Code (the "Ordinance"), establishes an "Affordable Housing Tax Incentive Development Program," (the "Program") to promote development and increase tax revenue for the City;

WHEREAS, Section 3.24.020(A) of the Ordinance charges the Director of the City's Office of Planning and Economic Development ("OPED") with the responsibility of administering the Program;

WHEREAS, pursuant to Sec 3.24.020(B) of the Ordinance, OPED has established uniform and consistent policies, procedures and forms by which to administer the Ordinance (such policies, procedures, and forms attached hereto as Exhibit A - OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy -Dated 9-13-17 -- and herein referred to as the "Policy");

WHEREAS, the Policy provides specific limiting parameters within which OPED must operate in its administration of the Program;

WHEREAS, in order to maximize the tax revenue generated per the Policy, the Program must be administered in an efficient, transparent, and predictable manner;

**NOW THEREFORE BE IT ORDAINED**: By the City Council of the City of Bridgeport that, effective upon publication by the City Council, the Municipal Code of Ordinances, Chapter 3.24 Affordable Housing Tax Incentive Development Program, is hereby amended to read as follows:

# Chapter 3.24 - AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAM

#### Sections:

3.24.010 - Established.

Pursuant to Connecticut General Statutes as amended ("Statutes"), including but not limited to Section 8-1215 and Section 8-1216; the ordinance codified in this chapter establishes an affordable housing tax incentive development program for the city, and allows for the abatement of real property taxes until such time that such housing is not solely for low or moderate-income persons or families.

(Ord. dated 11/4/13)



Report of Committee on Ordinances Item No. 142-16

-2-

# 3.24.020 - Program administration.

- A. Except for the establishment of property assessment as governed by the statutes of the state of Connecticut, and the charter and ordinances of the city, the director of the office of planning and economic development (OPED) shall administer this tax incentive program.
- B. The attached policies and procedures, dated September 13, 2017 and entitled "Exhibit A OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy," (the "Policy") are hereby adopted and approved by the City Council.
- [B. In consultation with the tax collector and tax assessor, OPED shall establish uniform and consistent policies, procedures and forms to ensure compliance with this chapter making such procedures, and forms publicly available within one hundred twenty (120) days of the enactment of the ordinance codified in this chapter.
- C. The policies, procedures and forms shall be made available for public comment for a thirty day period prior to their implementation and shall be approved by the city council through the office of the city clerk.
- D. The applicant for a tax incentive under this chapter shall submit a letter of request for such a tax incentive which shall disclose all principals of the applicant. The applicant must complete and file with OPED all other necessary forms required by OPED.]

(Ord. dated 11/4/13)

# 3.24.030 - Eligibility criteria.

A. Projects eligible for assistance under this chapter must be projects that include housing for low or moderate-income persons or families as defined by the US Department of Housing and Urban Development or as defined by the state of Connecticut Department of Housing, the state of Connecticut Department of Economic and Community Development, or by the Connecticut Housing Finance Authority, or by their successor agencies in the federal or state government.



Report of Committee on Ordinances Item No. 142-16

-3-

B. A tax incentive development agreement shall provide that moneys equal to the amount of such tax incentive shall be used for any one or more of the purposes stated in Section 3.24.040.A hereof and that such tax incentive shall terminate at any time when such housing is not solely for low or moderate-income persons or families.

(Ord. dated 11/4/13)

### 3.24.040 - Miscellaneous.

- A. All projects receiving a tax incentive under this chapter are receiving the incentive so as to achieve one or more of the following objectives:
  - To reduce rents below the levels that would be achieved in the absence of such tax incentive and to improve the quality and design of such housing;
  - (2) To effect occupancy of such housing by persons and families of varying income levels within limits determined by the relevant agencies as described in Section 3.24.030 hereof; or
  - (3) To provide necessary, related and complementary facilities or services in such housing.
- B. Tax incentive development agreements in compliance with this section shall be recorded against title to, and shall be conveyed with, the property, provided that each successive owner of the property, including those who acquire a controlling interest in the entity owning the property, accepts and assumes all of the original applicant's obligations to be performed under such tax incentive development agreement, demonstrates its ability to carry out such obligations, and executes an agreement with OPED to be recorded on the land records. OPED may consent to such assignment in the exercise of its commercial business judgment, reasonably exercised.
- C. To become effective, tax incentive development agreements shall be executed as a contract between the owner of the property and the city and shall be recorded on the land records of the city.
- D. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.



Report of Committee on Ordinances
Item No. 142-16

.4.

- E. Tax incentive development agreements and all nonexempt information submitted to OPED by the applicant shall be subject to the Connecticut Freedom of Information Act as amended, Section 1-15 et seq.
- Once an application meets the eligibility criteria established by OPED in accordance with this chapter, [the application shall be forwarded with a report from OPED to the city council for final approval. The report shall explain OPED's rationals for supporting the tax incentive development agreement.] OPED shall make a determination as to the extent of tax incentive to be granted to a particular project and shall submit the tax incentive development agreement to the Mayor for execution in accordance with the Policy adopted by the City Council per 3.24.020(b). No tax incentive exceeding that set forth in the Policy adopted by the City Council may be granted by OPED without final approval of the City Council, in which case the initial application must be forwarded to the City Council with a written report from OPED explaining OPED's rationals for recommending the tax incentive development agreement.

(Ord. dated 11/4/13)



Report of Committee on Ordinances Item No. 142-16

-5.

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON **ORDINANCES**

Eneida L. Martinez, D-139th, Co-Chair

Michello 19a. Ly lle A. Lyons, D-1341

kovsky, D-130th

City Council Date: October 16, 2017

#### EXHIBIT A

September 13, 2017 OPED

"Tax Incentive Development Policy"

and

"Affordable Housing Tax Incentive Development Policy"

Ch. 3.20 Municipal Code - Tax Incentive Development Program

Ch. 3.24 Municipal Code – Affordable Housing Tax Incentive Development Program

1)OPED Director shall administer these tax incentive development programs -per Ch 3.20.020 (A) and Ch 3.24.020 (A)

# 2)Developers shall make application using standardized form

- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)
- -Form Shall Be: CHFA DOH Consolidated Application (8-16-17), applicable sections, minimally:
- -detailed development budget
- -detailed sources and uses of funds
- -20 year operating pro-forma
- -(see form attached)

# 3)OPED shall follow standardized 3-step procedure for review of applications

Step 1: Initial Analysis for Completion of Application

Step 2: Financial Analysis - Economic Justification Analysis

Step 3: Calculation of Allowable Tax Payment Within Policy Parameters

- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

# 3A) Step One of Review - Initial Review of Application for Completeness

# Review of Developer's experience, standing, financial capacity to confirm:

a)evidence of positive long-term banking relationships

b)evidence of previous project completions

c)absence of prejudicial litigation or judgments

d)absence of city-developer litigation other than normal assessment appeal

e)absence of non-compliance with any other city regulatory requirements

f)evidence that applicant is current on all local tax and user fee obligations

f)financial strength as evidenced by CPA-reviewed-quality financial statements (2 years)

# Review of Completeness of Development Proposal to confirm that it provides:

- a) construction or rehabilitation costs
- b) rents and/or sales prices
- c) vacancy and absorption rates
- d) cost of, and amount of, financing
- e) developer fees as percentage of cost
- f) return on equity invested
- g) transactional costs in structuring deal and closing financing
- h) carrying costs and soft costs during pre-development and construction
- i) operating costs once stabilized
- j) assumptions as to escalators on revenue and expenses
- k) acquisition cost recognized at lesser of purchase price or current appraised value

#### Issue Report to Developer:

OPED shall issue written report to Developer confirming that the Application is complete, or detailing what information needs to be submitted or clarified. Developer may resubmit additional or clarifying evidence for further City review.

# 3B) Step Two of Review- Economic Justification Analysis -

Per 3,20,040

#### Developer Equity Contribution\*

Minimum of 5% of Total Development Cost ("TDC") on Deed-Restricted Income-Limited\* Deals Minimum of 10-15% of TDC on Strictly Commercial (non-residential) Deals Minimum of 10-15% on Market-Rate Residential and Mixed-Use Deals

#### Private Financing

Maximized per project's cash flow debt-carrying capacity Per prevailing lender loan-to-value ratios: (e.g. 50% to 70% of finished appraised value) Per prevailing lender debt-coverage ratios: (e.g. of 1.0 to 1.4)

#### **Public Funding**

As applicable and available, maximizing use of State and Federal Funding Resources

#### Reasonable Developer Return

For Deed-Restricted Income-Limited, allow up to 15% of TDC allowed as Developer Fee

For Commercial and Market-Rate Residential Deals, allow up to:

- 20% "Internal Rate of Return" over 20 years as modeled at prevailing capitalization rate
- 12% "Cash-on-Cash Return" Measured in Stable Operating Year (year #2)
  - o Cash Flow (After Vacancy, Operating Expenses, Taxes, Debt Service / Equity
- 8% "Cash-on Cost Return" in Stable Operating Year (year #2)
  - Net Operating Income (After Vacancy, Operating Expenses, Taxes) / TDC

1)Value of property and improvements as determined by appraisal at time of City analysis 2)Value of cash contributed by the developer toward development, as opposed to pure carrying costs 3)Value of deferred developer fees

<sup>\*</sup>Deed Restricted Income-Limited shall mean residential units which, by deed-restriction, may only be rented or owned by households earning less than 80% of the Area's Median Income as defined by HUD. Market Rate Residential shall mean residential units to which no income-limiting deed-restriction applies, with the exception of income-limiting deed restrictions that allow for such units to be rented or owned by households earning equal to or more than 80% of the Area's Median Income as defined by HUD.

<sup>\*</sup>Developer Equity Shall Include:

# 3C) Step Three - Calculation of Tax Payment Within Policy Parameters

- per 3.20.040 (C)

#### Length of term:

-up to 2 years during construction

-up to 20 years during operations

# Pre-Existing Tax and Tax During Construction and 1st Year of Operation

- -Pre-existing tax payment obligation shall remain and may not be reduced
- -No new incremental tax payment shall be due during construction
- -No new incremental tax payment shall be due during first year of operation

# New Base Tax Payment and Escalation Schedule

# Commercial and, Market-Rate Development:

New base tax payment shall be due the second year of operation and shall be between 2.5% and 7.5% of the project's EGI, provided that, as applies to commercial development, the new base tax payment shall be no less than \$1.00 per gross square foot of development, and further provided that, as applies to residential or mixed-use (residential and commercial) development, the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. The new base tax payment shall remain fixed for operating years 2-7 and then shall escalate annually to reach full taxation in the year following the end of the term.

# Deed-Restricted Development:

As applies to deed-restricted residential or mixed-use (residential and commercial) development, the new base tax payment shall be due the second year of the operation and shall be between 7.5% and 10% of the project's EGI, provided that the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. Beginning in the third year of operation, the new base tax payment shall escalate annually to reach full taxation in the year following the end of the term.

#### Notes:

"EGI" = "Effective Gross Income" = gross revenue minus vacancy and operating exps. Vacancy Allowance for Deed-Restricted Residential shall be 5% Vacancy Allowance for Non-Deed-Restricted Residential shall be 10% Vacancy Allowance for Commercial Space within Mixed-Use Buildings shall be 25% Base Tax Payment derived on blended basis for mixed-use or multiple property deals

# 4) Enforcement Policy, Verifications, and Claw-Back Provisions:

- -Development costs certified upon completion of construction
- -Cost discrepancy (>20%) triggers claw-back or commensurate adjustment of tax payment -All Agreements filed on Land Records
- -OPED retains right of review and consent as to successors and assigns.
- -Projects convert to full taxation upon default
- -Owner must submit annual CPA-reviewed financial statements for project and/or tax returns
- -OPED to conduct Variance Analysis Annually
- -If Variance Analysis Reveals Discrepancy (>20% over EGI), then claw-back provisions apply
- -Claw-Back via lump-sum retroactive payment or by adjustment of tax payment going forward

# 5)OPED Reporting Requirements to City Council

# a) Deal Specific Reporting

Within 30 days of the execution of any specific Tax Incentive Agreement, OPED shall provide to the City Council an Executive Summary Report of the Incentive Agreement, detailing:

- 1)The specific schedule of new tax payments to be made under the Agreement;
- 2)The cumulative value of new tax payments to be made under the Agreement;
- 3)The cumulative value of the theoretical taxes foregone under the Agreement
- 4)A direct comparison of new tax payments realized versus theoretical tax payments foregone;
- 5)The value of the investment to be made in the City per the Agreement
- 6)The impact of the investment on the assessed value of the property

# b)Program-Wide Reporting

Every six months, beginning June 30th, 2018, OPED shall provide the City Council with a Summary Report as to the Tax Incentive Program's cumulative impact with regard to:

- 1)Total number of Tax Incentive Agreements executed
- 2)Total amount of new tax revenue to be realized
- 3)Total value of theoretical taxes to be foregone
- 4)Total investment leveraged
- 5)Geographic locations of projects approved
- 6)Total commercial square footage
- 7)Total residential units and type
- 8)Total impact on underlying assessed value of properties

# Jtent# \*72-19 Consent Calendar

Amendments to the Municipal Code of Ordinances, Chapter 3.20 - Tax Incentive Development Program, amend Section 3.20.060 (G) - Miscellaneous Provisions.



# Keport

# Committee Ħ

# Ordinance

City Council Meeting Date: May 4, 2020

May 4, 2020, and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27, 2020. The Mayor has authority to take

necessary action in furtherance of the approved resolution pursuant to the authority granted to

the Mayor under City Ordinance Chapter 3.08.040.

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #72-19 was approved by the City Council of the City of Bridgeport on hydia n. Marting

Attest:

Lydia N. Martinez, City Clerk

Joseph P. Ganim, Mayor Approved by:

Date Signed:



To the Pity Pouncil of the Pity of Bridgeport.

The Committee on <u>Ordinances</u> begs leave to report; and recommends for adoption the following resolution:

Item No. \*72-19 Consent Calendar

#### Resolution Amending Chapter 3.20.060(G) of the Municipal Code

WHEREAS, Chapter 3.20 of the Bridgeport Municipal Code (the "Ordinance") establishes a "Tax Incentive Development Program" (the "Program") to promote development and increase tax revenue for the City;

WHEREAS, Section 3.20.020(A) of the Ordinance charges the Director of the City's Office of Planning and Economic Development ("OPED") with the responsibility for administering the Program in accordance with the policies, procedures and forms contained in Exhibit A of the Program (the "Policy");

WHEREAS, the City Council desires to have a final review of each tax incentive approved by OPED according to the Policy to ensure that such tax incentive is consistent with such Policy;

**WHEREAS**, to establish the City Council's final review, Chapter 3.20.060(G) of the Ordinance would be deleted and the following language substituted in its place:

Once an application meets the Policy established and approved by the common council in accordance with this chapter, OPED shall make a determination as to any tax incentive recommended to be granted to a particular project, shall submit the tax incentive development agreement to the common council so that it may confirm that the tax incentive recommended is consistent with the Policy and, upon such council confirmation and approval, shall submit the tax incentive agreement to the Mayor, or the Director of OPED, for execution. Any proposed tax incentive development agreement that is not consistent with the Policy established by the common council and approved by the common council in accordance with this chapter, shall be subject to a full review and vote by the common council."

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Bridgeport that, effective upon publication, the Municipal Code of Ordinances, Chapter 3.20 Tax Incentive Development Program, is hereby amended to read as follows:

Report of Committee on <u>Ordinances</u>

Item No. \*72-19 Consent Calendar

-2-

#### Chapter 3.20 - TAX INCENTIVE DEVELOPMENT PROGRAM

Sections:

#### 3.20.010 - Established.

Pursuant to Connecticut General Statutes as amended ("Statutes"), including but not limited to Section 7-480, et seq., the Connecticut City and Town Development Act and more specifically, Section 7-498 of that Act; Section 12-65b; and Section 32-70, et seq., the Enterprise Zones Act, more specifically Section 32-71(e) of that act; the ordinance codified in this chapter establishes a tax incentive development program for the city.

(Ord. dated 10/15/90 (part): prior code § 24-170)

(Ord. dated <u>10/16/17</u>)

#### 3.20.020 - Program administration.

- A. Except for the establishment of property assessments as governed by the statutes of the state of Connecticut and the charter and ordinances of the city, the director of the office of planning and economic development (OPED) shall administer this tax incentive program.
- B. The attached policies and procedures, dated September 13, 2017 and entitled "Exhibit A OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy," (the "Policy") are hereby adopted and approved by the City Council.

(Ord. dated 10/15/90 (part): prior code § 24-171)

(Ord. dated 10/16/17)

#### 3.20.030 - Eligibility criteria.

- A. Projects eligible for assistance under this chapter shall be for one of the following uses: office; retail; manufacturing; industrial; residential, if for rental use or low and moderate income (as defined by U.S. Dept. of H.U.D.) owner occupied units; transient residential, hotel/motel; warehousing, storage or distribution; and multilevel parking structures.
- B. Projects pursuant to Section 7-498 and 12-65b of the Statutes must have a minimum of three million dollars (\$3,000,000.00) in estimated costs of construction or rehabilitation, excluding the costs of real property acquisition.



Report of Committee on Ordinances

Item No. \*72-19 Consent Calendar

-3-

- C. Projects pursuant to Section 32-71(e) of the Statutes within the enterprise zone as defined in ordinances of the city must have a minimum of one million dollars (\$1,000,000.00) in estimated costs of construction, rehabilitation and/or machinery and equipment, excluding the costs of real property acquisition.
- D. For purposes of this chapter, a project shall further be defined as being a property or group of adjacent properties for which an applicant:
  - Has a plan of development compatible with the city's master plan;
  - 2. Can show ownership or an option to own the property(ies) to accomplish the goals of the project plan; and
  - 3. Can meet the time-to-construct standards of Section 3.20.060.B.
- E. Developers or program participants seeking any benefit, part or whole, under the provisions of this chapter must show full inclusion of minority representation in the procurement of development contracts pursuant to each project seeking benefit (i.e., blacks, Hispanics and women).
- F. Developers or program participants in the tax incentive development program shall undertake affirmative action measures designed to eliminate any discriminating barriers in the terms and conditions of employment on the grounds of race, color, creed, national origin, ancestry or sex. Developers or program participants shall take affirmative action to involve minority contractors in the construction of projects receiving property tax incentives pursuant to this chapter. Program participants and/or their general contractors shall notify appropriate minority trade publications and minority contractors associations of the subcontract opportunities. Program participants and/or their general contractors shall retain documentation of these notification attempts.
- G. In the event twenty (20) percent of the dollar value of total constructions costs is not awarded to minority- or women-owned contracting businesses, program participants and/or their general contractors shall be required to demonstrate that an extensive search for minority contractors has taken place for those elements of the project which have already been contracted. This chapter will apply in the absence of an affirmative action clause not already included by any of the following financing sources: U.S. Department of Housing and Urban Development, Connecticut Housing Finance Authority, State of Connecticut Department of Housing and the city of Bridgeport.
- H. Waivers. Developers and/or program participants may receive waivers to the twenty (20) percent set-aside goal if they can demonstrate through documentation of any of the following:
  - 1. The unavailability of certified disadvantaged business enterprises and/or women business enterprises to perform the subcontracting work required under the contract;



Report of Committee on Ordinances

Item No. \*72-19 Consent Calendar

-4-

- That prices submitted by all available and certified disadvantaged business enterprises
  or women business enterprises exceed those submitted by nondisadvantaged business
  enterprises and women business enterprises, and that such excessive price is not the
  result of present effect or discrimination;
- 3. That it is economically or otherwise impractical for the contractor to break down the contract into subcontracts that would meet the set-aside goals; or
- 4. That the needed goods and services can only be provided by one source which is not a disadvantaged business enterprise or women business enterprise.

Initial waiver decisions will be made by the contract compliance officer and affirmative action officer subject to appeal to the common council.

(Ord. dated 5/6/91; Ord. dated 10/15/90 (part): prior code § 24-172)

(Ord. dated 4/1/13; Ord. dated 10/16/17)

#### 3.20.040 - Economic justification.

- A. OPED shall subject all requests for assistance under this chapter to an economic pro forma analysis that will include, but not be limited to, the following factors: average construction costs of like structures, interest rates, vacancy and absorption rates, developer fees, market rents and pricing, comparable tax liabilities within the region, returns on cash and equity and such additional costs as may be associated with the development.
- B. In the event the applicant's request for assistance exceeds in extent of subsidy that amount which is determined to be fair and reasonable by OPED through economic analysis, OPED may grant greater assistance while also negotiating a recapture of the revenue foregone. Such funds recaptured shall, at a minimum, approximate the difference between OPED's determination of fair and reasonable subsidy and the final award of subsidy.
- C. The intent of subsection A. of this section is to determine that: "but for" the assistance provided by this chapter, the project could not be built.

(Ord. dated 10/15/90 (part): prior code § 24-173)

(Ord. dated 10/16/17)

Report of Committee on Ordinances

Item No. \*72-19 Consent Calendar

-5-

#### 3.20.050 - Public benefits.

- A. All projects receiving assistance under this chapter shall comply with the public benefits test which shall include local land use and building regulation.
- B. OPED shall establish policies that consider such other public benefits/costs as, but not be limited to: parking impact, job generation, design standards, neighborhood impact, public service demand, and consistency with the city's adopted master development plan or other area specific development plans such as the downtown design district.

(Ord. dated 10/15/90 (part): prior code § 24-174)

(Ord. dated <u>10/16/17</u>)

#### 3.20.060 - Miscellaneous provisions.

- A. No property governed by a tax agreement shall generate less in property taxes or revenue in any year of the tax agreement than is received in the year prior to start of the tax agreement. This provision may be waived upon the following findings of the OPED director: 1) The project involves the adaptive reuse of the existing structure, or structures for commercial, industrial or mixed-use residential purposes; 2) The property has experienced significant vacancy for a period of five or more years prior to application for a tax incentive; 3) The project entails a construction cost investment (a) in excess of five million dollars (\$5,000,000.00) and (b) at least one and one-half the pre-project assessed value of the development property.
- B. Construction shall begin within two years and be substantially completed within four years of the granting of the tax agreement or such agreement shall terminate. Extensions may be granted by subsequent approval of the common council.
- C. Tax incentive development agreements in compliance with this section shall be recorded against title to, and conveyed with, the property, provided that each successive owner of the property, including those who acquire a controlling interest in the entity owning the property, accepts and assumes all of the original applicant's obligations to be performed under such tax incentive development agreement, demonstrates its ability to carry out such obligations, and executes an agreement with OPED to be recorded on the land records. OPED may consent to such assignment in the exercise of its commercial business judgment, reasonably exercised.
- D. In order to become effective, tax incentive development agreements and any subsequent and related tax, payback or recapture agreements shall be recorded on the land records of the city.



Report of Committee on Ordinances

Item No. \*72-19 Consent Calendar

-6-

- E. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.
- F. Tax incentive development agreements and all nonexempt information submitted to OPED by the applicant shall be subject to the Connecticut Freedom of Information Act, as amended, Section 1-15 et seq.
- G. Once an application meets the eligibility criteria, public benefits and economic analysis tests established by OPED in accordance with this chapter, OPED shall make a determination as to the extent of tax incentive to be granted to a particular project and shall submit the tax incentive development agreement to the Mayor for execution in accordance with the Policy adopted by the City Council per 3.20.020.B. No tax incentive exceeding that set forth in the Policy adopted by the City Council may be granted by OPED without final approval of the City Council, in which case the initial application must be forwarded to the City Council with a written report from OPED explaining OPED's rationale for recommending the tax incentive development agreement.

Once an application meets the Policy established and approved by the common council in accordance with this chapter, OPED shall make a determination as to any tax incentive recommended to be granted to a particular project, shall submit the tax incentive development agreement to the common council so that it may confirm that the tax incentive recommended is consistent with the Policy and, upon such council confirmation and approval, shall submit the tax incentive agreement to the Mayor, or the Director of OPED, for execution. Any proposed tax incentive development agreement that is not consistent with the Policy established by the common council and approved by the common council in accordance with this chapter, shall be subject to a full review and vote by the common council.

- H. Upon completion of construction, OPED shall secure a certification of the costs to construct the facility(ies) comprising the project receiving the tax incentive development agreement. If the costs are less than ninety-five (95) percent of the total costs identified in the economic analysis used to determine the tax incentive development agreement's value, OPED shall make an adjustment to the tax incentive development agreement to reflect such cost differential. The tax incentive development agreement shall not be effective until a certificate of costs is received.
- I. An applicant for a tax incentive development agreement who is able to demonstrate negotiations within the city or its agencies prior to the adoption of the ordinance codified in this chapter by written proof of letter from the city, may be considered for special exemptions to this chapter by the common council. This subsection providing for special exemptions shall expire on December 31, 1990.



Report of Committee on Ordinances

Item No. \*72-19 Consent Calendar

-7-

(Ord. dated 4/2/01; Ord. dated 1/4/99; Ord. dated 10/15/90 (part): prior code § 24-175)

( Ord. dated 4/1/13; Ord. dated 11/4/13; Ord. dated 10/16/17)

#### 3.20.070 - Two-year tax incentive bonus areas.

- A. Eligible Projects. It shall be the policy of the city to offer, as a special development incentive from the date of enactment of the ordinance codified in this chapter, until December 31, 1992, in limited geographic areas of the city as outlined in subsection C of this section for commercial and residential projects meeting or exceeding twenty million dollars (\$20,000,000.00) in the costs of construction or rehabilitation exclusive of real property acquisition, and that comply with criteria established in or for Sections 3.20.030, 3.20.050 and 3.20.060, a tax fixing development agreement equal to one hundred (100) percent exemption of the increased assessment attributable to the improvements for a period of five years from the granting of the permanent certificate of occupancy.
- B. Economic Justification. During the special development window, projects meeting the eligibility criteria established in subsection A of this section shall be exempt from Section 3.20.040.
- C. Geographic Area. Areas eligible for this special program shall be located only in the "downtown" and "lower east side" as defined by that area within the following boundaries: "downtown": as defined by that area bounded on the north by Washington Avenue, on the west by Route 8/25 highway, on the south by the Interstate-95 highway and on the east by the Bridgeport Harbor/Pequonnock Riverfront; and in the "lower east side": as defined by that area bounded on the north by the Metro-North Railroad, on the east by the Yellow Mill Pond and south and west by the Bridgeport Harbor/Pequonnock Riverfront.
- D. Other Projects and Areas. It is not the intent of this special program to exclude tax incentive contracts in other areas of the city of projects with costs ranging from three million dollars (\$3,000,000.00) to twenty million dollars (\$20,000,000.00). Such other projects may remain eligible for some level of benefits as determined by OPED economic analysis and public benefits tests as provided for in Sections 3.20.010 through 3.20.060 of this chapter.
- E. Eighteen-Month Review. OPED shall present a report on the usefulness of the special twoyear tax incentive bonus areas program within eighteen (18) months of its enactment for the review of the common council.

(Ord. dated 10/15/90 (part): prior code § 24-176)

(Ord. dated <u>10/16/17</u>)



Report of Committee on <u>Ordinances</u>

Item No. \*72-19 Consent Calendar

-8-

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON ORDINANCES

Eneida L. Martinez, <b>Co-Chair</b>	Marcus A. Brown, <b>Co-Chair</b>	
Michelle A. Lyons	Ernest E. Newton, II	
Rosalina Roman-Christy	Avelino D. Silva	
	ria I. Valle	

City Council Date: May 4, 2020

#### September 13, 2017

#### OPED

"Tax Incentive Development Policy"

and

"Affordable Housing Tax Incentive Development Policy"

for

Ch. 3.20 Municipal Code - Tax Incentive Development Program

and

Ch. 3.24 Municipal Code - Affordable Housing Tax Incentive Development Program

# 1)OPED Director shall administer these tax incentive development programs

-per Ch 3.20.020 (A) and Ch 3.24.020 (A)

## 2)Developers shall make application using standardized form

- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

- -Form Shall Be: CHFA DOH Consolidated Application (8-16-17), applicable sections, minimally:
- -detailed development budget
- -detailed sources and uses of funds
- -20 year operating pro-forma
- -(see form attached)

# 3)OPED shall follow standardized 3-step procedure for review of applications

- Step 1: Initial Analysis for Completion of Application
- Step 2: Financial Analysis Economic Justification Analysis
- Step 3: Calculation of Allowable Tax Payment Within Policy Parameters
- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

# 3A) Step One of Review - Initial Review of Application for Completeness

# Review of Developer's experience, standing, financial capacity to confirm:

- a)evidence of positive long-term banking relationships
- b)evidence of previous project completions
- c)absence of prejudicial litigation or judgments
- d)absence of city-developer litigation other than normal assessment appeal
- e)absence of non-compliance with any other city regulatory requirements
- f)evidence that applicant is current on all local tax and user fee obligations
- f)financial strength as evidenced by CPA-reviewed-quality financial statements (2 years)

# Review of Completeness of Development Proposal to confirm that it provides:

- a) construction or rehabilitation costs
- b) rents and/or sales prices
- c) vacancy and absorption rates
- d) cost of, and amount of, financing
- e) developer fees as percentage of cost
- f) return on equity invested
- g) transactional costs in structuring deal and closing financing
- h) carrying costs and soft costs during pre-development and construction
- i) operating costs once stabilized
- j) assumptions as to escalators on revenue and expenses
- k) acquisition cost recognized at lesser of purchase price or current appraised value

#### Issue Report to Developer:

OPED shall issue written report to Developer confirming that the Application is complete, or detailing what information needs to be submitted or clarified. Developer may resubmit additional or clarifying evidence for further City review.

#### 3B) Step Two of Review- Economic Justification Analysis -

- Per 3.20.040

#### **Developer Equity Contribution\***

Minimum of 5% of Total Development Cost ("TDC") on Deed-Restricted Income-Limited\* Deals
Minimum of 10-15% of TDC on Strictly Commercial (non-residential) Deals
Minimum of 10-15% on Market-Rate Residential and Mixed-Use Deals

#### Private Financing

Maximized per project's cash flow debt-carrying capacity
Per prevailing lender loan-to-value ratios: (e.g. 50% to 70% of finished appraised value)
Per prevailing lender debt-coverage ratios: (e.g. of 1.0 to 1.4)

#### **Public Funding**

As applicable and available, maximizing use of State and Federal Funding Resources

#### Reasonable Developer Return

For Deed-Restricted Income-Limited, allow up to 15% of TDC allowed as Developer Fee

For Commercial and Market-Rate Residential Deals, allow up to:

- 20% "Internal Rate of Return" over 20 years as modeled at prevailing capitalization rate
- 12% "Cash-on-Cash Return" Measured in Stable Operating Year (year #2)
  - Cash Flow (After Vacancy, Operating Expenses, Taxes, Debt Service / Equity
- 8% "Cash-on Cost Return" in Stable Operating Year (year #2)
  - Net Operating Income (After Vacancy, Operating Expenses, Taxes) / TDC

- 1)Value of property and improvements as determined by appraisal at time of City analysis
- 2) Value of cash contributed by the developer toward development, as opposed to pure carrying costs
- 3)Value of deferred developer fees

<sup>\*</sup>Deed Restricted Income-Limited shall mean residential units which, by deed-restriction, may only be rented or owned by households earning less than 80% of the Area's Median Income as defined by HUD. Market Rate Residential shall mean residential units to which no income-limiting deed-restriction applies, with the exception of income-limiting deed restrictions that allow for such units to be rented or owned by households earning equal to or more than 80% of the Area's Median Income as defined by HUD.

<sup>\*</sup>Developer Equity Shall Include:

# 3C) Step Three - Calculation of Tax Payment Within Policy Parameters

- per 3.20.040 (C)

#### Length of term:

- -up to 2 years during construction
- -up to 20 years during operations

# Pre-Existing Tax and Tax During Construction and 1st Year of Operation

- -Pre-existing tax payment obligation shall remain and may not be reduced
- -No new incremental tax payment shall be due during construction
- -No new incremental tax payment shall be due during first year of operation

# New Base Tax Payment and Escalation Schedule

#### Commercial and, Market-Rate Development:

New base tax payment shall be due the second year of operation and shall be between 2.5% and 7.5% of the project's EGI, provided that, as applies to commercial development, the new base tax payment shall be no less than \$1.00 per gross square foot of development, and further provided that, as applies to residential or mixed-use (residential and commercial) development, the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. The new base tax payment shall remain fixed for operating years 2-7 and then shall escalate annually to reach full taxation in the year following the end of the term.

## Deed-Restricted Development:

As applies to deed-restricted residential or mixed-use (residential and commercial) development, the new base tax payment shall be due the second year of the operation and shall be between 7.5% and 10% of the project's EGI, provided that the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. Beginning in the third year of operation, the new base tax payment shall escalate annually to reach full taxation in the year following the end of the term.

#### Notes:

"EGI" = "Effective Gross Income" = gross revenue minus vacancy and operating exps.

Vacancy Allowance for Deed-Restricted Residential shall be 5%

Vacancy Allowance for Non-Deed-Restricted Residential shall be 10%

Vacancy Allowance for Commercial Space within Mixed-Use Buildings shall be 25%

Base Tax Payment derived on blended basis for mixed-use or multiple property deals

# 4) Enforcement Policy, Verifications, and Claw-Back Provisions:

- -Development costs certified upon completion of construction
- -Cost discrepancy (>20%) triggers claw-back or commensurate adjustment of tax payment
- -All Agreements filed on Land Records
- -OPED retains right of review and consent as to successors and assigns.
- -Projects convert to full taxation upon default
- -Owner must submit annual CPA-reviewed financial statements for project and/or tax returns
- -OPED to conduct Variance Analysis Annually
- -If Variance Analysis Reveals Discrepancy (>20% over EGI), then claw-back provisions apply
- -Claw-Back via lump-sum retroactive payment or by adjustment of tax payment going forward

# 5)OPED Reporting Requirements to City Council

#### a) Deal Specific Reporting

Within 30 days of the execution of any specific Tax Incentive Agreement, OPED shall provide to the City Council an Executive Summary Report of the Incentive Agreement, detailing:

- 1)The specific schedule of new tax payments to be made under the Agreement;
- 2) The cumulative value of new tax payments to be made under the Agreement;
- 3)The cumulative value of the theoretical taxes foregone under the Agreement
- 4)A direct comparison of new tax payments realized versus theoretical tax payments foregone;
- 5)The value of the investment to be made in the City per the Agreement
- 6)The impact of the investment on the assessed value of the property

#### b)Program-Wide Reporting

Every six months, beginning June 30th, 2018, OPED shall provide the City Council with a Summary Report as to the Tax Incentive Program's cumulative impact with regard to:

- 1)Total number of Tax Incentive Agreements executed
- 2)Total amount of new tax revenue to be realized
- 3)Total value of theoretical taxes to be foregone
- 4)Total investment leveraged
- 5)Geographic locations of projects approved
- 6)Total commercial square footage
- 7)Total residential units and type
- 8)Total impact on underlying assessed value of properties

# CHAPTER 114 CONNECTICUT CITY AND TOWN DEVELOPMENT ACT

#### **Table of Contents**

Sec. 7-480. Short title.

Sec. 7-481. Declaration of legislative policy.

Sec. 7-482. Definitions.

Sec. 7-483. Powers granted to municipalities.

Sec. 7-484. Actions to be undertaken by means of separate resolutions.

Sec. 7-485. Required municipal findings and determinations. Discretionary referendum.

Sec. 7-486. Delegation of powers.

Sec. 7-487. Laws governing city and town development.

Sec. 7-488. Power of municipality to make loans.

Sec. 7-489. Sale, lease, disposition and use of development property.

Sec. 7-490. Imposition and collection of facility charges.

Sec. 7-491. Issuance of notes and bonds.

Sec. 7-492. Capital reserve fund established. Petition. Referendum.

Sec. 7-493, Bonds and notes to be special obligation of municipality. Applicability of statutory debt limitation.

Sec. 7-494. Municipal moneys to be deposited in separate accounts. Annual audits.

Sec. 7-495. Municipal default or noncompliance. Appointment of trustee.

Sec. 7-496. Notes and bonds made securities.

Sec. 7-497. Income from notes and bonds tax-exempt; exception.

Sec. 7-498. Development property may be tax-exempt.

Sec. 7-499. Agreement with bond holders.

Sec. 7-500. Exclusive procedure for issuance of bonds.

Sec. 7-501. Competitive or public bidding requirements.

Sec. 7-502. Applicability of payment bond, prevailing wage and other employee benefit laws.

Sec. 7-503. Chapter grants no authority for municipality to acquire, own, develop or improve real property outside its borders.

Sec. 7-480. Short title. This chapter shall be known and may be cited as the "Connecticut City and Town Development Act".

(July Sp. Sess. P.A. 75-2, S. 1, 25.)

(Return to Chapter Table of Contents)

(<u>Return to</u> <u>List of Chapters</u>) (Return to List of Titles)

Sec. 7-481. Declaration of legislative policy. (a) It is hereby found and declared that there continues to exist in the state in many of its municipalities conditions of substantial and persistent unemployment; that many existing residential, industrial, commercial and manufacturing facilities within many municipalities are either obsolete, inefficient or dilapidated or are located without regard to the master plans of such municipalities; that the obsolescence and abandonment of existing facilities will increase with technological advances, the provision of modern, efficient facilities in other states and the difficulty which many municipalities have in attracting and holding new facilities; and that many existing and planned industrial, manufacturing and commercial facilities are far from or not easily accessible to the places of residence of substantial numbers of unemployed and underemployed persons.

- (b) It is further found and declared that there exists a critical shortage of adequate housing in many municipalities which is the result of declines in new housing starts and the existing large number of substandard, unsafe and unsanitary dwellings; that a large and significant number of residents of many municipalities have been and will be subject to hardship in finding adequate, safe and sanitary housing unless new facilities are constructed and existing housing, where appropriate, is rehabilitated; that unless the supply of housing is increased significantly and expeditiously, a large number of such residents will be compelled to live in unsanitary, overcrowded and unsafe conditions to the detriment of the health, welfare and well being of these persons and of such municipalities or such residents will abandon such municipalities to find suitable housing elsewhere, thus further contributing to the decline of such municipalities; and that by increasing the housing supply in such municipalities and the ability of their residents to obtain decent, safe and sanitary housing, the critical shortage of adequate housing will be ameliorated.
- (c) It is further found and declared that such conditions combined with the existence in many municipalities within the state of residential, nonresidential, commercial, industrial, vacant or predominantly vacant areas which are slum or blighted because of substandard, unsanitary, deteriorated or deteriorating conditions which accelerate the decline of population in such municipalities, retard sound economic growth and physical development, erode the financial position of such municipalities and their residents by shrinking their tax base, increasing the share of the tax burden which each taxpayer must bear and reducing the incentive for investment in such municipalities,

and adversely affect the health, safety, welfare and prosperity of the state and more particularly the people of such municipalities.

- (d) It is further found and declared that, by virtue of their architectural and cultural heritage, their positions as principal centers of communication and transportation and their concentration of productive and energy efficient facilities, many municipalities are capable of ameliorating the conditions of deterioration which impede sound community growth and development; that building a proper balance of housing, industrial and commercial facilities and increasing the attractiveness of such municipalities to persons of all income levels are essential to restoring such municipalities as desirable places to live, work, shop and enjoy life's amenities; that the accomplishment of these objectives is beyond remedy solely by the regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the powers provided herein; and that the exercise of the powers herein provided is critical to continuing the process of revitalizing such municipalities and will serve an urgent public use and purpose.
- (e) The necessity in the public interest and for the public benefit and good of the provisions of this chapter is hereby declared as a matter of legislative determination.

(July Sp. Sess. P.A. 75-2, S. 2, 25.)

(Return to Chapter Table of Contents)	(Return to ist of Chapters)	(Return to List of Titles)
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# Sec. 7-482. Definitions. As used in this chapter:

- (a) "Annual sinking fund payment" means the amount of money specified in the resolution authorizing term bonds secured by a capital reserve fund as payable into a sinking fund during a particular fiscal year for the retirement of term bonds secured by a capital reserve fund which mature after such fiscal year, but shall not include any amount payable by reason only of the maturity of a bond;
- (b) "Bonds", "notes", "other obligations" means any bonds, notes or other evidences of indebtedness, respectively, issued by a municipality pursuant to this chapter;
- (c) "Capital reserve fund" means any capital reserve fund established by a municipality in accordance with section 7-492;
- (d) "Development property" means any real or personal property, interest therein, improvements thereon, appurtenances thereto and air or other rights in connection

therewith, including land, buildings, plants, structures, systems, works, machinery and equipment acquired or to be acquired by purchase, gift or otherwise by a sponsor or by a municipality and dedicated by resolution to the purposes of this chapter;

- (e) "Facility charges" means tolls, rents, rates, fees or other charges in this chapter, in connection with, or for the use or services of, or otherwise relating to, any development property owned or controlled by the municipality in furtherance of the purposes of this chapter;
- (f) "Governmental unit" means the United States of America or the state or any city, town, consolidated town and city or consolidated town and borough or any subdivision, department, agency, instrumentality, authority, board, commission, bureau, division or legal entity heretofore or hereafter created, designated or established by or for the United States of America or the state or any city or town;
- (g) "Legislative body" means the council, commission, board, body or town meeting, by whatever name it may be known, having or exercising the general legislative powers and functions of a municipality;
- (h) "Maximum capital reserve fund requirement" applies only to bonds secured by a capital reserve fund and means, as of any particular date of computation, an amount of money equal to the greatest of the respective amounts, for the then current or any future fiscal year of the municipality, of annual debt service secured by a capital reserve fund of the municipality, such annual debt service secured by a capital reserve fund for any fiscal year, being the amount of money equal to the aggregate of (1) all interest payable during such fiscal year on all such bonds of the municipality outstanding on said date of computation, plus (2) the principal amount of all such bonds of the municipality outstanding on said date of computation which matures during such fiscal year, plus (3) the amount of all annual sinking fund payments payable during such fiscal year with respect to any such bonds of the municipality outstanding on said date of computation;
- (i) "Municipality" means any city, town, consolidated town and city or consolidated town and borough in the state which shall by resolution make the findings and determinations required by section 7-485 and which shall exercise all powers granted and make all findings and determinations required under this chapter by means of resolution;
- (j) "Operating expenses" means all costs and expenses of a municipality or its delegate incurred in connection with any action taken pursuant to this chapter, including but not limited to salaries and wages, expenses of administering staff functions, fees of professional consultants, legal fees, charges incurred for servicing of mortgage loans or loans to sponsors, money management, office rents, utility charges, costs of supplies,

furnishings, equipment, machinery and apparatus, maintenance and repair of property and other expenses incurred in connection with the foregoing;

- (k) "Purposes of this chapter" means ameliorating the deterioration of municipalities by preserving and expanding employment opportunities and the tax base of municipalities by undertaking or assisting in the financing, development or construction of housing, industrial, commercial, parking, retail, office, hotel, warehouse, recreational or transportation facilities or any combination thereof and any service facilities related thereto or supportive thereof;
- (l) "Resolution" means any resolution adopted by the legislative body of a municipality or by the governing body of any governmental unit or nonprofit corporation to which a municipality has delegated powers under the provisions of section 7-486, after (1) notice of the proposed resolution has been placed on record in the office of the municipal clerk for public inspection and (2) a summary of the proposed resolution has been published at least once in a newspaper of general circulation within the municipality, both setting forth the time and place of the public hearing provided for in subdivision (3) of this subsection and (3) a public hearing has been held thereon not less than five days nor more than fourteen days subsequent to the placing on record of such notice and the publication of such summary. Such resolution shall be adopted by a majority vote of the members of the legislative body of the municipality, provided where the legislative body of the municipality is the town meeting, a resolution may be adopted upon approval of a majority of those electors present and voting on the resolution at the town meeting. Any resolution shall become effective upon adoption, unless otherwise specified in such resolution, except (A) a resolution adopted pursuant to section 7-492, and (B) a resolution adopted pursuant to section 7-485 that has been submitted to the electors of the municipality for their approval;
  - (m) "Revenues" means fees, rentals, tolls, charges and other receipts, income or moneys made, received or derived by or paid for the account of a municipality from, in connection with or arising out of any development property, and may include subsidies, grants and other payments or portions thereof from governmental units which, under their terms, may be pledged by a municipality in accordance with the provisions of this chapter;
  - (n) "Sponsor" means individuals, joint ventures, partnerships, limited partnerships, trusts, business corporations, nonprofit corporations, cooperatives, condominiums, associations, public bodies or any other legal entities or combination thereof, who have filed with the clerk of the municipality a list of the names and addresses of each of its members or stockholders, if any, except in the case of a corporation the stock of which is traded in the open market or over the counter or listed on any stock exchange, and

who have been approved by a municipality as financially qualified to own, construct, acquire, rehabilitate, operate, manage or maintain development property in furtherance of the purposes of this chapter; and

(o) "State" means the state of Connecticut.

(July Sp. Sess. P.A. 75-2, S. 3, 25; P.A. 84-428, S. 2, 4; P.A. 16-133, S. 1.)

History: P.A. 84-428 amended Subdiv. (d) by allowing acquisition of such property interests by a sponsor, as defined in Subdiv. (n) of this section, in addition to acquisition by a municipality as allowed prior to this amendment; P.A. 16-133 amended Subsec. (l) by deleting provision re exception for resolution adopted pursuant to Sec. 7-485 or 7-492 and adding provisions re exceptions for such resolutions as Subparas. (A) and (B).

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

- Sec. 7-483. Powers granted to municipalities. In furtherance of the purposes of this chapter, which are hereby deemed to be municipal purposes, for which municipal funds may be expended, each municipality shall, in addition to those powers otherwise conferred by any general statute, special act or municipal charter or ordinance, have the following powers, except as otherwise limited by this chapter, and provided the exercise of such powers by a municipality shall be in accordance with the procedures established by this chapter:
- (a) To acquire, receive by gift or otherwise, purchase, acquire options to purchase, own and hold as lessee or lessor any development property which is located within the borders of the municipality. Any lease shall be binding upon the municipality as lessor or lessee, including, without limitation, the term or any extension thereof and the obligation to appropriate funds as necessary to meet rent and other obligations as provided within such lease.
- (b) To construct, reconstruct, rehabilitate, improve, alter, equip, maintain or repair or provide for the construction, reconstruction, improvement, alteration, equipment or maintenance or repair of any development property and let, award and enter into construction contracts, purchase orders and other contracts with respect thereto upon such terms and conditions as the municipality shall determine to be reasonable, including but not limited to reimbursement for the planning, designing, financing, including but not limited to reimbursement, equipping, furnishing, operation and maintenance of any such development property and the settlement of any claims arising

therefrom and the establishment and maintenance of reserve funds with respect to the financing of such development property.

- (c) To sell, lease as lessor or lessee, grant options to purchase or to renew a lease, assign, exchange, mortgage as security for notes or bonds issued pursuant to section 7-491 or otherwise dispose of or encumber and to manage or operate any development property.
- (d) To accept gifts, grants or loans of funds, property or services from any source, public or private, and comply, subject to the provisions of this chapter, with the terms and conditions thereof.
- (e) To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, equipping, maintenance or repair of any development property, and from time to time to modify these plans, specifications, designs or estimates.
- (f) To make mortgage loans or other loans or advances to sponsors as provided in section 7-488.
- (g) When it becomes necessary and feasible for a municipality to safeguard itself from losses, to acquire, purchase, foreclose on, manage or operate, hold or dispose of development property, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the protection of its interests under any law, mortgage contract or agreement.
- (h) In order to further the purposes of this chapter or to assure the payment of the principal and interest on bonds or notes of the municipality, to purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness, purchase, acquire, attach, accept or take title to any development property by conveyance or by foreclosure, and sell, lease or rent any development property for a use specified in this chapter.
- (i) To borrow money and to issue its bonds or notes or other obligations and to fund or refund the same and provide for the rights of the holders thereof as provided in this chapter.
  - (j) To charge and collect facility charges as provided in section 7-490.
- (k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the exercise of its powers in furtherance of the purposes of this chapter, including contracts and agreements with sponsors.

- (l) In connection with any application or commitment for assistance under this chapter, to make and collect such fees and charges as the municipality shall determine to be reasonable.
- (m) To make, modify, amend or repeal rules and regulations with respect to its operations, properties and facilities.
- (n) To sue and be sued and plead and be impleaded with respect to any action taken pursuant to powers granted by this chapter.
- (o) To appoint, employ or retain attorneys, accountants, architectural, engineering and financial consultants, assistants, agents and other employees as it may deem necessary or desirable and to fix their compensation.

(July Sp. Sess. P.A. 75-2, S. 4, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-484. Actions to be undertaken by means of separate resolutions. No action in the exercise of any powers granted under the provisions of this chapter shall be undertaken by a municipality or by any governmental unit or nonprofit corporation to which a municipality has delegated powers pursuant to section 7-486, without the approval of each such action by the legislative body of such municipality or by the governing body of such governmental unit or nonprofit corporation, which approval shall be by means of a separate resolution, and findings and determinations made or required to be made under the provisions of this chapter shall be made by means of a separate resolution.

(July Sp. Sess. P.A. 75-2, S. 5, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-485. Required municipal findings and determinations. Discretionary referendum. (a) No power granted to a municipality under this chapter may be exercised unless and until the municipality shall have found and determined by resolution that conditions substantially as described in section 7-481 exist in the municipality, are continuing and may be ameliorated by the exercise of the powers

granted under this chapter. Such resolution shall include the following findings and determinations and the following standards for the implementation of the powers granted under this chapter: (1) An unreasonable number of residents of the municipality are subject to hardship in finding employment and adequate, safe and sanitary housing: (2) conditions of blight and deterioration exist in parts of the municipality or the municipality would substantially benefit from the renovation, rehabilitation or construction of commercial or residential properties; (3) private enterprise is not meeting such need for employment, housing, the reduction of blight and deterioration, or the renovation, rehabilitation or construction of commercial or residential properties; (4) the need for employment and adequate, safe and sanitary housing will be lessened and the municipality will be revitalized by the exercise of the powers granted under this chapter; (5) adequate provisions shall be made for the payment of the cost of acquisition, construction, operation, maintenance and insurance of all development property; (6) a feasible method exists and shall be utilized for the relocation into safe and sanitary dwellings of comparable rent of families and individuals displaced as a consequence of the exercise of any power granted under this chapter and such families and individuals shall not suffer disproportionate injuries as a result of actions authorized by this chapter for the public benefit; (7) development property shall not be acquired or disposed of without due consideration of the environmental and economic impact of such acquisition or disposition and the adequacy of existing or proposed municipal services; (8) the acquisition or disposition of all development property shall advance the public interest, general health, safety and welfare, and development, growth and prosperity of the municipality.

(b) Each resolution adopted pursuant to subsection (a) of this section may be submitted to the electors of the municipality for their approval. If the legislative body of a municipality votes to submit a resolution to the electors of the municipality, not later than fourteen days after the adoption of such resolution a copy of such resolution shall be published in a newspaper having a general circulation within the municipality in which such resolution was adopted together with a notice of the time that a referendum shall be held on the question of approval of such resolution. The question of approval of such resolution shall be submitted to the electors of such municipality at a special election called for such purpose to be held not less than thirty days, nor more than sixty days, after adoption of such resolution, in conformity with the provisions of section 9-369 or, if a regular municipal election is to be held more than sixty days, but not more than one hundred twenty days, after the adoption of such resolution, such question shall be so submitted at such regular election and a vote thereon shall be taken in the manner prescribed by said section 9-369. If a majority of those voting in any such referendum vote to approve such resolution, such resolution shall thereupon become effective. If less than a majority of those voting in any such referendum vote to approve such resolution, it shall become null and void.

(c) Any resolution adopted pursuant to this section shall specify the period for which such resolution shall be effective, provided no such resolution shall be effective for a period in excess of five years from the effective date of such resolution. Upon the expiration of the effective period of any resolution adopted pursuant to this section: (1) Any indebtedness contracted, encumbrances made or commitments entered into by a municipality by resolution or contracts executed pursuant to resolution, including all proceedings related thereto, shall be valid and binding in accordance with their terms respectively and shall be of full force and effect if incurred, adopted or executed respectively during the period in which such resolution referred to in this section is effective and the municipality shall have all powers herein conferred with respect thereto notwithstanding the expiration of such period; and (2) the municipality which adopted such resolution shall not be authorized to exercise any powers created by this chapter, provided any such municipality shall be authorized to continue to exercise all powers created by this chapter in regard to any development property in regard to which any contract or lease has been previously entered into by such municipality with a sponsor or in regard to which any bonds or notes have been issued by such municipality.

(July Sp. Sess. P.A. 75-2, S. 6, 25; P.A. 16-133, S. 2.)

History: P.A. 16-133 amended Subsec. (a) by adding "parts of" and provision re municipality would substantially benefit from renovation, rehabilitation or construction of commercial or residential properties in Subdiv. (2), and adding reference to renovation, rehabilitation or construction of commercial or residential properties in Subdiv. (3), amended Subsec. (b) by substituting "may" for "shall" in provision re submittal to electors, and made technical changes.

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-486. Delegation of powers. (a) A municipality shall have the power to delegate any power reserved to the municipality under the provisions of this chapter, except the powers provided for in sections 7-485, 7-491, 7-492 and 7-498, to any governmental unit created by or under the jurisdiction or control of the municipality or to any nonprofit corporation as defined in and organized and existing under the provisions of chapter 602 or any predecessor statutes thereto, provided that in making any such delegation of power the municipality shall impose by resolution such restrictions as may be appropriate to assure the carrying out of the purposes of this chapter.

- (b) Whenever a municipality delegates any power to any governmental unit or nonprofit corporation pursuant to subsection (a) of this section, the municipality shall require each director, officer, member and other responsible official, as the case may be, of such governmental unit or nonprofit corporation to execute a surety bond in the penal sum of fifty thousand dollars or, in lieu thereof, such governmental unit or nonprofit corporation shall execute a blanket surety bond covering all members and employees of such governmental unit or nonprofit corporation, each surety bond to be conditioned upon the faithful performance of the duties of the office or offices covered, to be executed by a surety company authorized to transact business in this state as surety and to be approved by the legal counsel of the municipality and filed in the office of the clerk of the municipality. The cost of each such bond shall be paid by such governmental unit or nonprofit corporation. Whenever a municipality delegates any power pursuant to this chapter to a nonprofit corporation, such corporation (1) shall be deemed a public agency for the purposes of subdivision (1) of section 1-200, provided negotiations regarding any development property shall be subject to the provisions of subdivision (6) of subsection (b) of section 1-210 and (2) shall be subject to the provisions of any special act, municipal charter or ordinance requiring (A) bonds or other security for the performance of contracts for demolition, construction or rehabilitation or (B) competitive or public bidding, except as provided in section 7-501.
- (c) No nonprofit corporation, to which a municipality has delegated powers pursuant to this section, shall serve as a sponsor for the purposes of this chapter.

History: P.A. 96-256 amended Subsec. (a) to replace reference to "chapter 600" with "chapter 602 or any predecessor statutes thereto", effective January 1, 1997; P.A. 97-47 made a technical change in Subsec. (b).

Cited. 28 CA 622.

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-487. Laws governing city and town development. (a) This chapter shall not supersede any other general statute, special act, municipal charter or ordinance, with regard to zoning regulations of the municipality adopted pursuant to section 8-2, or any special act, inland wetlands regulations adopted pursuant to section 22a-42a, such environmental regulations, orders, permits or licenses promulgated, issued or adopted by the Commissioner of Energy and Environmental Protection or any municipality pursuant to the authority granted under titles 22a and 25, local building requirements,

the requirements of any plan of conservation and development for the municipality which has been approved by a municipal planning commission pursuant to section 8-23 or any redevelopment plan or urban renewal plan for the municipality which has been approved by a redevelopment agency pursuant to section 8-127. In addition the physical improvement, use and enjoyment of development property shall be subject to all general statutes, special acts, municipal charters and ordinances and all state or local regulations.

(b) No vote, whether taken prior to or subsequent to August 8, 1975, by the legislative body of a municipality pursuant to section 8-2 to exempt municipal property from the regulations prescribed by the zoning commission of such municipality shall apply to development property.

(July Sp. Sess. P.A. 75-2, S. 8, 25; P.A. 95-335, S. 13, 26; P.A. 11-80, S. 1.)

History: P.A. 95-335 amended Subsec. (a) to change "plan of development" to "plan of conservation and development", effective July 1, 1995; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (a), effective July 1, 2011.

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-488. Power of municipality to make loans. (a) A municipality shall have the power to make loans, which for the purposes of this section shall also include commitments to make loans, temporary loans and advances in anticipation of permanent loans, to any sponsor to provide funds in furtherance of the purposes of this chapter; provided such loans shall be made only after the municipality finds and determines that similar loans are not otherwise available to such sponsors, wholly or in part, from private lenders upon reasonably equivalent terms and conditions.

(b) All loans shall be subject to any rules and regulations of the municipality established by resolution with respect to the making of such loans, and the use of the proceeds of all loans shall be restricted to only those activities which are in furtherance of the purposes of this chapter. Loans shall be evidenced by a note or bond, shall be secured or unsecured, shall be in such amounts, shall bear such date or dates, shall mature at such time or times, may be subject to prepayment and may contain such other provisions consistent with the purposes of this chapter as the municipality shall by resolution determine. Each such loan shall be authorized by a separate resolution of the legislative body of the municipality.

(July Sp. Sess. P.A. 75-2, S. 9, 25.)

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles)

- Sec. 7-489. Sale, lease, disposition and use of development property. (a) A municipality shall have power to sell, lease or otherwise dispose of all or part of any development property to any governmental unit or sponsor and to make agreements of any kind with any governmental unit or sponsor for the use or operation thereof, for such consideration and for such period or periods of time and upon such other terms and conditions as the municipality may fix and agree upon. In the exercise of such power, the municipality may make any improved or unimproved development property available for use by a governmental unit or sponsor in accordance with the purposes of this chapter at its use value, being the value, whether expressed in terms of rental or capital price, at which the municipality determines such property should be made available in order that it may be developed or used for the purposes of this chapter.
- (b) In order to assure that development property is developed or used in accordance with the purposes of this chapter, a municipality, upon the sale, lease or other disposition of such property, shall obligate purchasers, lessees or other users (1) to use such property for the purposes of this chapter, (2) to begin the building or installation of their improvements on any such property, and to complete the same, within such periods of time as the municipality may fix as reasonable, and (3) to comply with such other conditions as are necessary or desirable to carry out the purposes of this chapter. Any such obligations imposed on a purchaser of real property shall be covenants and conditions running with the land for as long as any bonds issued in connection with such development property are outstanding.

(July Sp. Sess. P.A. 75-2, S. 10, 25; P.A. 06-196, S. 43.)

History: P.A. 06-196 made technical changes in Subsec. (b), effective June 7, 2006.

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles)

Sec. 7-490. Imposition and collection of facility charges. (a) A municipality shall have the power to charge and collect facility charges. Such facility charges may be charged to and collected from any governmental unit or sponsor and such governmental unit or sponsor shall be liable for and shall pay such facility charges to the municipality

at the time when and place where such charges become due and payable. No governmental unit shall be required to pay any facility charges unless such governmental unit has agreed to pay such charges. Facility charges payable by a governmental unit subject to the limitations on indebtedness provided in subsection (b) of section 7-374 shall not be included in any calculation of debt of such governmental unit subject to such limitation, and agreements to pay facility charges may be entered into by any governmental unit notwithstanding any statutory debt limitations, including any limitation on indebtedness provided in said subsection (b) of section 7-374.

(b) The facility charges fixed, charged and collected by a municipality with respect to any such development property shall comply with the terms of any lease or other agreement of the municipality with regard to such development property and, subject to the provisions of any contract with noteholders or bondholders and any such lease or other agreement, the facility charges fixed, charged and collected by the municipality may be increased or decreased by the amount of increase or decrease of the expenses of the municipality attributable to the development property for which facility charges are made. Such expenses may include, but not be limited to, operating expenses and expenses of maintenance, insurance, improvements, replacements, reconstruction and any other payments, amounts necessary to pay the principal of and interest or redemption price on any bonds or notes, and amounts necessary to maintain such reserves as may be required by the terms of any lease or other agreement of the municipality or as may be deemed necessary or convenient and desirable by the municipality.

(July Sp. Sess. P.A. 75-2, S. 11, 25.)

 (Return to Chapter
 (Return to Chapters)
 (Return to Chapters)
 (Return to Chapters)
 (Return to Chapters)

 Table of Contents)
 List of Chapters
 List of Titles

Sec. 7-491. Issuance of notes and bonds. (a) Subject to the provisions of section 7-492 and any general statute, special act or municipal charter or ordinance to the contrary notwithstanding, a municipality shall have the power and is hereby authorized to issue from time to time its notes and bonds in such principal amounts as the municipality shall determine to be necessary to provide sufficient funds for achieving the purposes of this chapter, including the making of mortgage loans and loans to sponsors, the acquisition of development property, the establishment of reserves to secure such notes and bonds, interest on such notes and bonds during construction and for one year thereafter, and the payment of expenses incident to or necessary for furtherance of the purposes of this chapter.

- (b) A municipality shall have the power, from time to time, to issue (1) notes to renew notes and (2) bonds to pay notes, including the interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding for any of the purposes of this chapter. The refunding bonds may be exchanged for the bonds to be refunded or sold and the proceeds applied to the purchase, redemption or payment of such bonds.
- (c) The notes and bonds shall be authorized by resolution of the municipality, shall bear such date or dates and shall mature at such time or times not exceeding forty years from the date thereof in the case of bonds issued to finance housing and facilities related thereto or thirty years from the date thereof in all other cases, as such resolution may provide. The bonds may be issued as serial bonds or as term bonds or as a combination thereof. The notes and bonds shall bear interest at such rate or rates, be in such denominations, be in such form, either bearer or registered, carry such exchange, transfer and registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as such resolution may provide. The notes and bonds may be sold by the municipality at public or private sale, at such price or prices as the municipality shall determine.
- (d) Any resolution authorizing notes or bonds or any issue thereof may contain provisions, which shall be a part of the contract or contracts with the holders thereof, as to: (1) Pledging all or part of any revenues to secure the payment of the notes or bonds or of any issue thereof, subject to such agreements with noteholders or bondholders as may then exist; (2) pledging all or any part of the development property in which the municipality has acquired an interest from the proceeds of bonds and notes to secure the payment of the notes or bonds or of any issue of notes or bonds, subject to such agreements with noteholders or bondholders as may then exist; (3) the use and disposition of the gross income from mortgages owned by the municipality for the purposes of this chapter and payment of principal of mortgages owned by the municipality for the purposes of this chapter; (4) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (5) limitations on the purposes to which the proceeds of sale of notes or bonds may be applied and pledging such proceeds to secure the payment of the notes or bonds or of any issue thereof; (6) limitations on the issuance of additional notes or bonds; the terms upon which additional notes or bonds may be issued and secured; and the refunding of outstanding or other notes or bonds; (7) the procedure, if any, by which the terms of any contract with noteholders or bondholders may be amended or abrogated, the amount of notes or bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys to be expended by the municipality for its operating expenses; (9) vesting in a trustee or trustees property, rights, powers and duties in trust as the municipality may determine, which may include any or all of the

rights, powers and duties of the trustee appointed by the bondholders pursuant to this chapter, and limiting or abrogating the right of the bondholders to appoint a trustee under this chapter or limiting the rights, powers and duties of such trustee; (10) the acts or omissions to act which shall constitute a default in the obligations and duties of the municipality to the holders of the notes or bonds and providing for the rights and remedies of the holders of the notes or bonds in the event of such default, including the right to appointment of a receiver; provided, however, such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this chapter; (11) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

- (e) If the resolution of a municipality authorizing the issuance of bonds or notes so states, the validity of such bonds or notes may be contested only if an action, suit or proceeding contesting such validity is commenced within sixty days after the date of publication of such resolution.
- (f) Prior to the issuance of any bonds and notes, a municipality shall find and determine that the intended use of the proceeds of such bonds and notes is in the public interest and will advance the carrying out of the purposes of this chapter. Such determination shall be based upon a record of proceedings which shall include such matters as the municipality shall consider relevant to such determination.
- (g) Any pledge made by the municipality shall be valid and binding from the time when the pledge is made, and the revenues or property so pledged and thereafter received by the municipality shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the municipality, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.
- (h) Neither the officials nor members of the legislative body of the municipality nor any other authorized person executing such notes or bonds shall be subject to any personal liability by reason of the issuance thereof.
- (i) The municipality, subject to such agreements with noteholders or bondholders as may then exist, shall have power, out of any funds available therefor, to purchase notes or bonds of the municipality, which shall thereupon be cancelled, at a price not exceeding (1) if the notes or bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereof or (2) if the notes or bonds are not then redeemable, the redemption price applicable on the first date

after such purchase upon which the notes or bonds become subject to redemption plus accrued interest to such date.

- (j) In the discretion of the municipality, the bonds may be secured by a trust indenture by and between the municipality and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the municipality in relation to the exercise of its powers pursuant to this chapter and the custody, safeguarding and application of all moneys. The municipality may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the operating expenses of the municipality. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.
- (k) Whether or not the notes and bonds are of such form and character as to be negotiable instruments under the terms of the Uniform Commercial Code, the notes and bonds are hereby made negotiable instruments within the meaning of and for all purposes of the Uniform Commercial Code, subject only to the provisions of the notes and bonds for registration.

(July Sp. Sess. P.A. 75-2, S. 12, 25; P.A. 89-230, S. 1, 4.)

History: P.A. 89-230 amended Subsec. (c) to provide for forty-year maturity limits for bonds which finance housing and related facilities.

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-492. Capital reserve fund established. Petition. Referendum. (a)(1) The municipality may create and establish a capital reserve fund and shall pay into such capital reserve fund (A) any moneys appropriated and made available by the state or municipality for the purpose of such fund, (B) any proceeds of sale of notes or bonds, to the extent provided in the resolution or resolutions of the municipality authorizing the issuance thereof and (C) any other moneys which may be made available to the municipality for the purpose of such fund from any other source or sources. All moneys held in the capital reserve fund, except as hereinafter provided, shall be used, as required, solely for the payment of the principal of bonds secured by the capital reserve

fund as the same mature or the annual sinking fund payments, the purchase or redemption of such bonds, the payment of interest on such bonds or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided moneys in such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum capital reserve fund requirement, except for the purposes of paying interest on such bonds, principal of such bonds and annual sinking fund payments, as the same become due and for the payment of which other moneys of the municipality are not available. Any income or interest earned by, or increment to, the capital reserve fund due to the investment thereof or any amount in excess of the maximum capital reserve fund requirement may be transferred by the municipality to other funds or accounts of the municipality established pursuant to this chapter to the extent it does not reduce the amount of the capital reserve fund below the maximum capital reserve fund requirement.

- (2) A municipality shall not issue bonds secured by the capital reserve fund at any time if upon issuance the amount in the capital reserve fund will be less than the maximum capital reserve fund requirement, unless the municipality, at the time of issuance of such bonds, shall deposit in such fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in such fund, will not be less than the maximum capital reserve fund requirement.
- (3) In computing the amount of the capital reserve fund for the purposes of this section, securities held as a part thereof shall be valued in the manner provided in the resolution or resolutions authorizing the issuance of bonds secured by the capital reserve fund.
- (4) In order to further secure bonds and notes secured by a capital reserve fund and to assure order in its budgeting process, a municipality may, if deemed necessary or appropriate in furtherance of the purposes of this chapter, include in the resolution authorizing the issuance of such bonds and notes provision for the municipality to covenant and agree with the holders of such bonds and notes that on or before the first day in April in each year the amount necessary to restore the capital reserve fund to the maximum capital reserve fund requirement, as such amount shall be certified by the treasurer or other officer acting as the chief financial officer of the municipality on or before the first day of December next preceding, shall be paid from the general fund of the municipality and shall constitute a legal pledge, charge and lien upon its income and receipts, and next upon its real property, any general statute, special act or municipal charter or ordinance to the contrary notwithstanding. Such covenant and agreement shall constitute a pledge of the credit and taxing power of the municipality and the holders of bonds and notes so secured shall have the specific right to compel the exercise of the taxing power of the municipality. Any provision of this subdivision to

the contrary notwithstanding, any such deficiency in the capital reserve fund so certified by the treasurer or other such financial officer of the municipality shall be satisfied first from the revenues of the development property specifically pledged to the payment of bonds or notes secured by such capital reserve fund, and no holder of any such bond or note may bring any action, suit or proceeding, in law or equity, nor compel by mandamus or injunction the exercise of the taxing power of the municipality, or forfeiture of its property, unless and until all remedies with respect to such pledged revenues have been exhausted. The substance and extent of such covenant and agreement shall be plainly stated on the face of each note and bond to which it is applicable. All amounts paid over from the general fund of the municipality as provided in this subdivision shall, subject to the rights of the holders of any notes or bonds of the municipality theretofore or thereafter issued, be repaid to the general fund from (A) moneys in a capital reserve fund in excess of the maximum capital reserve fund requirement, (B) any revenues not required for any other of the purposes of this chapter and (C) proceeds from the sale or other disposition of the development property acquired from the proceeds of bonds and notes secured by such capital reserve fund. Within fourteen days after the adoption of a resolution pursuant to this subdivision, the resolution or a summary of such resolution shall be published in a newspaper having a general circulation within the municipality in which such resolution was adopted. If, within thirty days of such publication, five per cent of the electors of such municipality, who are registered as electors on the last completed, revised registry list of such municipality, file with the clerk of such municipality a petition requesting a referendum with respect to such resolution, the question of approval of such resolution shall be submitted to the electors of such municipality at a special election called for such purpose to be held not less than thirty days, nor more than sixty days, after the filing of such petition, in conformity with the provisions of section 9-369, or if a regular municipal election is to be held more than sixty days, but not more than one hundred twenty days, after the filing of such petition, such question shall be so submitted at such regular election and a vote thereon shall be taken in the manner prescribed by said section 9-369. If a majority of those voting in any such referendum shall vote to approve such resolution, such resolution shall thereupon become effective. If less than a majority of those voting in any such referendum vote to approve such resolution, such resolution shall be null and void. If no such petition is filed within thirty days after the publication of the newspaper notice of adoption of any such resolution, the municipal clerk shall verify that fact to the legislative body of the municipality and such resolution shall thereupon become effective.

(5) Notwithstanding any other provisions contained in this chapter, the aggregate amount of bonds secured by such capital reserve funds authorized to be created and established by this section and by such covenant and agreement of the municipality as set forth in this section shall be included in the debt of the municipality as defined in

subdivision (1) of subsection (b) of section 7-374, and shall be subject to the limitations on such debt and on total debt set forth in said subsection (b) of section 7-374, and the aggregate amount of such bonds shall not exceed five per centum of the grand list, as defined in section 7-374, and the proceeds of such bonds shall not be used for residential housing development property, except where such residential housing development property is a part of an undertaking designed to accomplish or further one or more purposes of this chapter in addition to the purpose of residential housing. No bonds shall be secured by a capital reserve fund unless the municipality by resolution or resolutions finds and determines that revenues derived from development property financed from the proceeds of such bonds shall be sufficient (A) to pay the applicable principal of and interest on such bonds, (B) to establish, maintain and increase any reserves deemed by the municipality to be advisable to secure the payment of the principal of and interest on such bonds, (C) unless the contract with the governmental unit or sponsor obligates the governmental unit or sponsor to pay for the maintenance and insurance of such property, to pay the cost of maintaining such property in good repair and keeping it properly insured and (D) to pay such other costs of such property as may be required, and further, in the case of sponsors, that such sponsor is found by the municipality to be financially responsible and presumptively able to comply with the terms and conditions of any lease, conditional sale or credit agreement or loan agreement, agreement of sale, mortgage or other agreement as made by it with the municipality with respect to such property.

(b) The municipality may create and establish such other fund or funds, including other capital reserve funds with the same force and effect and upon the same terms and conditions and subject to the same limitations as provided in subsection (a) of this section, as may be necessary or desirable in furtherance of the purposes of this chapter.

(July Sp. Sess. P.A. 75-2, S. 13, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-493. Bonds and notes to be special obligation of municipality. Applicability of statutory debt limitation. Bonds and notes issued pursuant to this chapter shall be special obligations of the municipality and shall not be payable from nor charged upon any funds other than the revenues pledged to the payment thereof, nor shall the municipality issuing the same be subject to any liability thereon except to the extent of such pledged revenues. No holder or holders of any bonds or notes shall have the right to compel any exercise of the taxing power of the municipality to pay any bonds or notes or the interest thereon, nor to enforce payment thereon against any

property of the municipality except the development property mortgaged or otherwise encumbered under the provisions and for the purposes of this chapter. The bonds and notes shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the municipality, except the development property mortgaged or otherwise encumbered under the provisions and for the purposes of this chapter. The substance of such limitation shall be plainly stated on the face of each bond and note, with appropriate modification in the case of bonds and notes secured by the covenant and pledge of a municipality to restore the capital reserve fund to the maximum capital reserve fund requirement. The foregoing provisions of this section shall be subject to the provisions of section 7-492 when applicable, including particularly the provisions of said section with respect to notes and bonds secured by such covenant and pledge of a municipality, and all bonds and notes so secured shall be disclosed and listed in all reports made or required in connection with any indebtedness of the municipality which is subject to any statutory limitation. Except as otherwise provided in subdivision (5) of subsection (a) of section 7-492, bonds and notes issued pursuant to this chapter shall not be subject to any statutory limitation on the indebtedness of the municipality and such bonds and notes when issued shall not be included in computing the aggregate indebtedness of the municipality in respect to and to the extent of any such limitation.

(July Sp. Sess. P.A. 75-2, S. 14, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-494. Municipal moneys to be deposited in separate accounts. Annual audits. (a) All moneys of a municipality derived in furtherance of the purposes of this chapter, except as otherwise authorized or provided in this chapter, shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized under the laws of the state or in national banking associations doing business in the state. The moneys in such accounts shall be paid out on checks signed by such officer or employee of the municipality as the municipality shall authorize. All deposits of such moneys shall, if required by the municipality, be secured by obligations of the United States of America or of the state or of the municipality of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such security for such deposits. Notwithstanding the provisions of this section, a municipality shall have power to contract with the holders of any of its notes or bonds as to the custody, collection, securing, investment and payment of any moneys of the municipality derived in furtherance of the purposes of this chapter and of any moneys held in a trust or otherwise for the payment of notes or bonds, and to carry out such contract. Moneys held in trust or otherwise for the payment of notes or bonds or in any way to secure notes or bonds and deposits of such moneys may be secured in the same manner as moneys of the municipality, and all banks and trust companies are authorized to give such security for such deposits.

- (b) Subject to the provisions of any contract with noteholders and bondholders, a municipality issuing notes or bonds pursuant to this chapter shall prescribe a system of accounts. All such accounts shall be kept separate from other accounts of the municipality and shall be used for the purposes of this chapter and for no other purpose.
- (c) All accounts of a municipality established in furtherance of the purposes of this chapter shall be annually audited by an independent certified public accountant, and a report of such audit and the books and records of the municipality kept with respect to any action taken or account established under this chapter, including books and records pertaining to its receipts, disbursements, contracts, reserve funds, sinking funds and investments, shall be open to public inspection.

(July Sp. Sess. P.A. 75-2, S. 15, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

- Sec. 7-495. Municipal default or noncompliance. Appointment of trustee. (a) In the event that a municipality shall default in the payment of principal of or interest on any issue of notes or bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that a municipality shall fail or refuse to comply with the provisions of this chapter, or shall default in any agreement made with the holders of any issue of notes or bonds, the holders of twenty-five per cent in aggregate principal amount of the notes or bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of such municipality and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such notes or bonds for the purposes herein provided.
- (b) Such trustee may, and upon written request of the holders of twenty-five per cent in principal amount of such notes or bonds then outstanding shall, in his or its own name: (1) By suit, action or proceeding in accordance with the general statutes enforce all rights of the noteholders or bondholders, including the right to require the municipality to carry out any agreement with such holders and to perform its duties under this chapter; (2) bring suit upon such notes or bonds; (3) by action or suit, require the municipality to account as if it were the trustee of an express trust for the holders of such notes or bonds; (4) by action or suit, enjoin any acts or things which may be

unlawful or in violation of the rights of the holders of such notes or bonds; (5) declare all such notes or bonds due and payable, and if all defaults shall be made good, then, with the consent of the holders of twenty-five per cent of the principal amount of such notes or bonds then outstanding, annul such declaration and its consequences.

- (c) The Superior Court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of such noteholders or bondholders. The venue of any such suit, action or proceeding shall be laid in the municipality against which any such remedy is sought.
- (d) Before declaring the principal of notes or bonds due and payable, the trustee shall first give thirty days' notice in writing to the municipality.

(July Sp. Sess. P.A. 75-2, S. 16, 25.)

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles)

Sec. 7-496. Notes and bonds made securities. The notes and bonds of municipalities are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or in other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them. The notes and bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of the state and all municipalities for any purpose of which the deposit of bonds or other obligations of the state is now or may hereafter be authorized.

(July Sp. Sess. P.A. 75-2, S. 17, 25; P.A. 80-483, S. 22, 186.)

History: P.A. 80-483 deleted reference to building and loan associations.

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles) Sec. 7-497. Income from notes and bonds tax-exempt; exception. It is hereby determined that the powers conferred upon municipalities by this chapter are in all respects for the benefit of the people of the state and for the improvement of their health, safety, welfare, comfort and security, and that the purposes of this chapter are public purposes and that municipalities will be performing an essential governmental function in the exercise of the powers conferred upon them by this chapter. The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by a municipality, in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the municipality issued pursuant to this chapter and the income therefrom shall at all times be free from taxation, except for estate and gift taxes and taxes on transfers. Municipalities are authorized to include this covenant of the state in any agreement with the holder of such notes or bonds.

(July Sp. Sess. P.A. 75-2, S. 18, 25.)

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles)

Sec. 7-498. Development property may be tax-exempt. Any development property may be exempted from any property tax imposed by the municipality; provided any municipality may enter into an agreement, approved by resolution, providing for a payment or payments in lieu of taxes with respect to any such property, or providing that any such property is subject to all or any portion of local property taxes. In no case shall development property be exempt in whole or in part from such property tax for a period or periods, in the aggregate, in excess of twenty years. This section shall not affect, modify, alter or invalidate any agreement entered into by any municipality prior to August 8, 1975, relating to local property taxes to be paid on any municipally owned property.

(July Sp. Sess. P.A. 75-2, S. 19, 25; P.A. 84-428, S. 3, 4.)

History: P.A. 84-428 amended the description of development property, which may be exempt from property tax, by deleting the condition that such property must be owned by a municipality to be so exempted.

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles) Sec. 7-499. Agreement with bond holders. The state does hereby pledge to and agree with the holders of any notes or bonds that the state will not limit or alter the rights hereby vested in a municipality to fulfill the terms of any agreements made with said holders thereof, or in any way impair the rights and remedies of such holders until such notes and bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. A municipality is authorized to include this pledge and agreement of the state in any agreement with the holders of such notes or bonds.

(July Sp. Sess. P.A. 75-2, S. 20, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-500. Exclusive procedure for issuance of bonds. Notwithstanding the provisions of any other general statute, special act, municipal charter or ordinance to the contrary, no proceedings, notice or approval shall be required for the issuance of any bonds or notes or any instrument as security therefor, except as provided by sections 7-491 to 7-499, inclusive.

(July Sp. Sess. P.A. 75-2, S. 21, 25.)

(Return to Chapter(Return to(Return toTable of Contents)List of Chapters)List of Titles)

Sec. 7-501. Competitive or public bidding requirements. This chapter shall not supersede any provision of any general statute, special act, municipal charter or ordinance with regard to competitive or public bidding for the sale, lease or other disposition of property or for the award of contracts for demolition, construction or rehabilitation, except that any contract or agreement for the disposition of any interest by a municipality, or a governmental unit or nonprofit corporation to which a municipality has delegated powers under the provisions of section 7-486, in development property and any contract or agreement relative to the improvement of development property, the construction of improvements thereon or the rehabilitation thereof, which is entered into by a municipality, or a governmental unit or nonprofit corporation to which a municipality has delegated powers under the provisions of section 7-486, with a sponsor who is going to use or occupy such development property, may be entered into without regard to any such requirement.

(July Sp. Sess. P.A. 75-2, S. 22, 25.)

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles)

Sec. 7-502. Applicability of payment bond, prevailing wage and other employee benefit laws. (a) The provisions of section 31-53 shall apply to contractual arrangements for the construction, reconstruction or rehabilitation of development property.

- (b) The provisions of sections 49-41 to 49-43, inclusive, shall apply to any construction, reconstruction or rehabilitation of development property undertaken by a municipality or a governmental unit or nonprofit corporation to which a municipality has delegated powers pursuant to section 7-486.
- (c) The provisions of sections 7-467 to 7-473c, inclusive, 7-474 to 7-477, inclusive, and of chapter 561 and any provisions of any special act, municipal charter or ordinance granting to employees rights of organization, representation and collective bargaining shall apply to any powers exercised or actions undertaken pursuant to this chapter by a municipality or a governmental unit or nonprofit corporation to which a municipality has delegated powers pursuant to section 7-486.

(July Sp. Sess. P.A. 75-2, S. 23, 25.)

(Return to Chapter Table of Contents)

(Return to List of Chapters) (Return to List of Titles)

Sec. 7-503. Chapter grants no authority for municipality to acquire, own, develop or improve real property outside its borders. Nothing in this chapter shall be construed to give authority to a municipality to proceed under this chapter to acquire, own, develop or otherwise improve real property outside of its own borders.

(July Sp. Sess. P.A. 75-2, S. 24, 25.)

(Return to Chapter Table of Contents)

(Return to List of Chapters)

(Return to List of Titles)

# Jtent# \*73-19 Consent Calendar

Amendments to the Municipal Code of Ordinances, Chapter 3.24 - Affordable Housing Tax Incentive Development Program, amend Section 3.24.040 (F) - Miscellaneous.



# Committee Report

# Ordinance

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In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the

May 4, 2020, and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27, 2020. The Mayor has authority to take following resolution #73-19 was approved by the City Council of the City of Bridgeport on

necessary action in furtherance of the approved resolution pursuant to the authority granted to

City Council Meeting Date: May 4, 2020

hydia N. Marting

Attest:

Lydia N. Martinez, City Clerk

Approved by:

Joseph P. Ganim, Mayor

Date Signed:



To the City Council of the City of Bridgeport.

The Committee on <u>Ordinances</u> begs leave to report; and recommends for adoption the following resolution:

Item No. \*73-19 Consent Calendar

### Resolution Amending Chapter 3.24.040(F) of the Municipal Code

WHEREAS, Chapter 3.24 of the Bridgeport Municipal Code (the "Ordinance") establishes an "Affordable Housing Tax Incentive Development Program" (the "Program") to promote development and increase tax revenue for the City;

**WHEREAS**, Section 3.24.020(A) of the Ordinance charges the Director of the City's Office of Planning and Economic Development ("OPED") with the responsibility for administering the Program in accordance with the policies, procedures and forms contained in Exhibit A of the Program (the "Policy");

WHEREAS, the City Council desires to have a final review of each tax incentive approved by OPED according to the Policy to ensure that such tax incentive is consistent with such Policy;

**WHEREAS**, to establish the City Council's final review, Chapter 3.24.040(F) of the Ordinance would be deleted and the following language substituted in its place:

Once an application meets the Policy established and approved by the common council in accordance with this chapter, OPED shall make a determination as to any tax incentive recommended to be granted to a particular project, shall submit the tax incentive development agreement to the common council so that it may confirm that the tax incentive recommended is consistent with the Policy and, upon such council confirmation and approval, shall submit the tax incentive agreement to the Mayor, or the Director of OPED, for execution. Any proposed tax incentive development agreement that is not consistent with the Policy established by the common council and approved by the common council in accordance with this chapter, shall be subject to a full review and vote by the common council.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Bridgeport that, effective upon publication, the Municipal Code of Ordinances, Chapter 3.24 Affordable Housing Tax Incentive Development Program, is hereby amended to read as follows:



Report of Committee on <u>Ordinances</u>

Item No. \*73-19 Consent Calendar

-2-

# Chapter 3.24 - AFFORDABLE HOUSING TAX INCENTIVE DEVELOPMENT PROGRAM[1]

Footnotes:

--- (1) ---

Editor's note—An ordinance adopted Nov. 4, 2013, amended Ch. 3.24 in its entirety as herein set out. Former Ch. 3.24, §§ 3.24.010—3.24.040 pertained to the affordable housing development program, and derived from prior code §§ 24-180—24-183; and an ordinance adopted March 15, 1993.

### 3.24.010 - Established.

Pursuant to Connecticut General Statutes as amended ("Statutes"), including but not limited to Section 8-215 and Section 8-216; the ordinance codified in this chapter establishes an affordable housing tax incentive development program for the city, and allows for the abatement of real property taxes until such time that such housing is not solely for low or moderate-income persons or families.

(Ord. dated 11/4/13; Ord. dated 10/16/17)

### 3.24.020 - Program administration.

- A. Except for the establishment of property assessment as governed by the statutes of the state of Connecticut, and the charter and ordinances of the city, the director of the office of planning and economic development (OPED) shall administer this tax incentive program.
- B. The attached policies and procedures, dated September 13, 2017 and entitled "Exhibit A OPED Tax Incentive Development Policy and Affordable Housing Tax Incentive Development Policy," (the "Policy") are hereby adopted and approved by the City Council.

(Ord. dated 11/4/13; Ord. dated 10/16/17)

### 3.24.030 - Eligibility criteria.

- A. Projects eligible for assistance under this chapter must be projects that include housing for low or moderate-income persons or families as defined by the US Department of Housing and Urban Development or as defined by the state of Connecticut Department of Housing, the state of Connecticut Department of Economic and Community Development, or by the Connecticut Housing Finance Authority, or by their successor agencies in the federal or state government.
- B. A tax incentive development agreement shall provide that moneys equal to the amount of such tax incentive shall be used for any one or more of the purposes stated in Section 3.24.040.A hereof and that such tax incentive shall terminate at any time when such housing is not solely for low or moderate-income persons or families.



Report of Committee on Ordinances

Item No. \*73-19 Consent Calendar

-3-

(Ord. dated 11/4/13; Ord. dated 10/16/17)

### 3.24.040 - Miscellaneous.

- A. All projects receiving a tax incentive under this chapter are receiving the incentive so as to achieve one or more of the following objectives:
  - (1) To reduce rents below the levels that would be achieved in the absence of such tax incentive and to improve the quality and design of such housing;
  - (2) To effect occupancy of such housing by persons and families of varying income levels within limits determined by the relevant agencies as described in Section 3.24.030 hereof: or
  - (3) To provide necessary, related and complementary facilities or services in such housing.
- B. Tax incentive development agreements in compliance with this section shall be recorded against title to, and shall be conveyed with, the property, provided that each successive owner of the property, including those who acquire a controlling interest in the entity owning the property, accepts and assumes all of the original applicant's obligations to be performed under such tax incentive development agreement, demonstrates its ability to carry out such obligations, and executes an agreement with OPED to be recorded on the land records. OPED may consent to such assignment in the exercise of its commercial business judgment, reasonably exercised.
- C. To become effective, tax incentive development agreements shall be executed as a contract between the owner of the property and the city and shall be recorded on the land records of the city.
- D. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.
- E. Tax incentive development agreements and all nonexempt information submitted to OPED by the applicant shall be subject to the Connecticut Freedom of Information Act as amended, Section 1-15 et seq.



Report of Committee on <u>Ordinances</u>

Item No. \*73-19 Consent Calendar

-4-

F. Once an application meets the eligibility criteria established by OPED in accordance with this chapter, OPED shall make a determination as to the extent of tax incentive to be granted to a particular project and shall submit the tax incentive development agreement to the Mayor for execution in accordance with the Policy adopted by the City Council per 3.24.020(b). No tax incentive exceeding that set forth in the Policy adopted by the City Council may be granted by OPED without final approval of the City Council, in which case the initial application must be forwarded to the City Council with a written report from OPED explaining OPED's rationale for recommending the tax incentive development agreement.

Once an application meets the Policy established and approved by the common council in accordance with this chapter, OPED shall make a determination as to any tax incentive recommended to be granted to a particular project, shall submit the tax incentive development agreement to the common council so that it may confirm that the tax incentive recommended is consistent with the Policy and, upon such council confirmation and approval, shall submit the tax incentive agreement to the Mayor, or the Director of OPED, for execution. Any proposed tax incentive development agreement that is not consistent with the Policy established by the common council and approved by the common council in accordance with this chapter, shall be subject to a full review and vote by the common council.

(Ord. dated 11/4/13; Ord. dated 10/16/17)



Report of Committee on Ordinances

Item No. \*73-19 Consent Calendar

-5-

## RESPECTFULLY SUBMITTED, THE COMMITTEE ON ORDINANCES

Eneida L. Martinez, <b>Co-Chair</b>	Marcus A. Brown, <b>Co-Chair</b>
Michelle A. Lyons	Ernest E. Newton, II
Rosalina Roman Christy	Avelino D. Silva
	ria I Valle

City Council Date: May 4, 2020

### September 13, 2017

OPED

"Tax Incentive Development Policy"

and

"Affordable Housing Tax Incentive Development Policy"

for

Ch. 3.20 Municipal Code - Tax Incentive Development Program

and

Ch. 3.24 Municipal Code – Affordable Housing Tax Incentive Development Program

## 1)OPED Director shall administer these tax incentive development programs

-per Ch 3.20.020 (A) and Ch 3.24.020 (A)

### 2)Developers shall make application using standardized form

- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

- -Form Shall Be: CHFA DOH Consolidated Application (8-16-17), applicable sections, minimally:
- -detailed development budget
- -detailed sources and uses of funds
- -20 year operating pro-forma
- -(see form attached)

### 3)OPED shall follow standardized 3-step procedure for review of applications

- Step 1: Initial Analysis for Completion of Application
- Step 2: Financial Analysis Economic Justification Analysis
- Step 3: Calculation of Allowable Tax Payment Within Policy Parameters
- per Ch. 3.20.020 (B) and Ch 3.24.020 (B)

# 3A) Step One of Review - Initial Review of Application for Completeness

# Review of Developer's experience, standing, financial capacity to confirm:

- a)evidence of positive long-term banking relationships
- b)evidence of previous project completions
- c)absence of prejudicial litigation or judgments
- d)absence of city-developer litigation other than normal assessment appeal
- e)absence of non-compliance with any other city regulatory requirements
- f)evidence that applicant is current on all local tax and user fee obligations
- f)financial strength as evidenced by CPA-reviewed-quality financial statements (2 years)

### Review of Completeness of Development Proposal to confirm that it provides:

- a) construction or rehabilitation costs
- b) rents and/or sales prices
- c) vacancy and absorption rates
- d) cost of, and amount of, financing
- e) developer fees as percentage of cost
- f) return on equity invested
- g) transactional costs in structuring deal and closing financing
- h) carrying costs and soft costs during pre-development and construction
- i) operating costs once stabilized
- j) assumptions as to escalators on revenue and expenses
- k) acquisition cost recognized at lesser of purchase price or current appraised value

### Issue Report to Developer:

OPED shall issue written report to Developer confirming that the Application is complete, or detailing what information needs to be submitted or clarified. Developer may resubmit additional or clarifying evidence for further City review.

### 3B) Step Two of Review- Economic Justification Analysis -

- Per 3.20.040

### **Developer Equity Contribution\***

Minimum of 5% of Total Development Cost ("TDC") on Deed-Restricted Income-Limited\* Deals Minimum of 10-15% of TDC on Strictly Commercial (non-residential) Deals Minimum of 10-15% on Market-Rate Residential and Mixed-Use Deals

### **Private Financing**

Maximized per project's cash flow debt-carrying capacity

Per prevailing lender loan-to-value ratios: (e.g. 50% to 70% of finished appraised value)

Per prevailing lender debt-coverage ratios: (e.g. of 1.0 to 1.4)

### **Public Funding**

As applicable and available, maximizing use of State and Federal Funding Resources

### Reasonable Developer Return

For Deed-Restricted Income-Limited, allow up to 15% of TDC allowed as Developer Fee

For Commercial and Market-Rate Residential Deals, allow up to:

- 20% "Internal Rate of Return" over 20 years as modeled at prevailing capitalization rate
- 12% "Cash-on-Cash Return" Measured in Stable Operating Year (year #2)
  - o Cash Flow (After Vacancy, Operating Expenses, Taxes, Debt Service / Equity
- 8% "Cash-on Cost Return" in Stable Operating Year (year #2)
  - Net Operating Income (After Vacancy, Operating Expenses, Taxes) / TDC

### \*Developer Equity Shall Include:

- 1)Value of property and improvements as determined by appraisal at time of City analysis
- 2)Value of cash contributed by the developer toward development, as opposed to pure carrying costs
- 3)Value of deferred developer fees

<sup>\*</sup>Deed Restricted Income-Limited shall mean residential units which, by deed-restriction, may only be rented or owned by households earning less than 80% of the Area's Median Income as defined by HUD. Market Rate Residential shall mean residential units to which no income-limiting deed-restriction applies, with the exception of income-limiting deed restrictions that allow for such units to be rented or owned by households earning equal to or more than 80% of the Area's Median Income as defined by HUD.

# 3C) Step Three - Calculation of Tax Payment Within Policy Parameters

- per 3.20.040 (C)

## Length of term:

- -up to 2 years during construction
- -up to 20 years during operations

# Pre-Existing Tax and Tax During Construction and 1st Year of Operation

- -Pre-existing tax payment obligation shall remain and may not be reduced
- -No new incremental tax payment shall be due during construction
- -No new incremental tax payment shall be due during first year of operation

## New Base Tax Payment and Escalation Schedule

## Commercial and, Market-Rate Development:

New base tax payment shall be due the second year of operation and shall be between 2.5% and 7.5% of the project's EGI, provided that, as applies to commercial development, the new base tax payment shall be no less than \$1.00 per gross square foot of development, and further provided that, as applies to residential or mixed-use (residential and commercial) development, the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. The new base tax payment shall remain fixed for operating years 2-7 and then shall escalate annually to reach full taxation in the year following the end of the term.

### Deed-Restricted Development:

As applies to deed-restricted residential or mixed-use (residential and commercial) development, the new base tax payment shall be due the second year of the operation and shall be between 7.5% and 10% of the project's EGI, provided that the new base tax payment shall at a minimum be equivalent to the lesser of \$1.00 per gross square foot of residential development or \$1,000 per residential unit. Beginning in the third year of operation, the new base tax payment shall escalate annually to reach full taxation in the year following the end of the term.

### Notes:

"EGI" = "Effective Gross Income" = gross revenue minus vacancy and operating exps.

Vacancy Allowance for Deed-Restricted Residential shall be 5%

Vacancy Allowance for Non-Deed-Restricted Residential shall be 10%

Vacancy Allowance for Commercial Space within Mixed-Use Buildings shall be 25%

Base Tax Payment derived on blended basis for mixed-use or multiple property deals

## 4) Enforcement Policy, Verifications, and Claw-Back Provisions:

- -Development costs certified upon completion of construction
- -Cost discrepancy (>20%) triggers claw-back or commensurate adjustment of tax payment
- -All Agreements filed on Land Records
- -OPED retains right of review and consent as to successors and assigns.
- -Projects convert to full taxation upon default
- -Owner must submit annual CPA-reviewed financial statements for project and/or tax returns
- -OPED to conduct Variance Analysis Annually
- -If Variance Analysis Reveals Discrepancy (>20% over EGI), then claw-back provisions apply
- -Claw-Back via lump-sum retroactive payment or by adjustment of tax payment going forward

# 5)OPED Reporting Requirements to City Council

### a) Deal Specific Reporting

Within 30 days of the execution of any specific Tax Incentive Agreement, OPED shall provide to the City Council an Executive Summary Report of the Incentive Agreement, detailing:

- 1) The specific schedule of new tax payments to be made under the Agreement;
- 2)The cumulative value of new tax payments to be made under the Agreement;
- 3)The cumulative value of the theoretical taxes foregone under the Agreement
- 4)A direct comparison of new tax payments realized versus theoretical tax payments foregone;
- 5) The value of the investment to be made in the City per the Agreement
- 6) The impact of the investment on the assessed value of the property

# b)Program-Wide Reporting

Every six months, beginning June 30<sup>th</sup>, 2018, OPED shall provide the City Council with a Summary Report as to the Tax Incentive Program's cumulative impact with regard to:

- 1)Total number of Tax Incentive Agreements executed
- 2)Total amount of new tax revenue to be realized
- 3)Total value of theoretical taxes to be foregone
- 4)Total investment leveraged
- 5)Geographic locations of projects approved
- 6)Total commercial square footage
- 7)Total residential units and type
- 8)Total impact on underlying assessed value of properties

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #49-19 was approved by the City Council of the City of Bridgeport on May\_4, 2020and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the authority granted to the Mayor under City Ordinance Chapter 3.08.040.

# Item# \*49-19 Consent Calendar

Resolution Authorizing the Disposition of 398, 400, 430, 440, 448 and 454 Bunnell Street (the "Redevelopment Properties") within the Seaview Avenue Industrial Park.



# Report

# of Committee

# **On**

# **医C**通 and Environment

City Council Meeting Date: May 4, 2020

Lydia N. Martinez, City Clerk

Attest:

Approved by:

Joseph P. Ganim, Mayor

Date Signed:\_



To the Pity Pouncil of the Pity of Bridgeport.

The Committee on **Economic and Community Development and Environment** begs leave to report; and recommends for adoption the following resolution:

Item No. \*49-19 Consent Calendar

A Resolution by the Bridgeport City Council Authorizing the Disposition of 398, 400, 430, 440, 448, and 454 Bunnell Street (the "Redevelopment Properties" within the Seaview Avenue Industrial Park

**WHEREAS**, pursuant to a series of resolutions passed on 10/4/1 999, 10/16/2000, 4/2/2001, and 6/21/2004, the Bridgeport City Council has authorized the following specific actions:

The Approval of the Municipal Development Plan for the East Side/East End Area in and around the area bounded by Seaview Avenue, Crescent Avenue, Central Avenue and Williston Street (the "MDP");

The designation of the Bridgeport Economic Development Corporation ("BEDCO") as the City's Development Agency for implementing all project activities within the MDP area including the securing of funding, the planning and development of real property improvements, the acquisition of real property, the remediation of environmentally damaged properties, the sale of real property for purposes of industrial and commercial retention and expansion, all in a manner consistent with Connecticut General Statutes Chapter 132 of Title 8, governing the implementation of Municipal Development Projects;

The development of the Seaview Avenue Industrial Park (the "SAIP") as the central project activity within the MDP Area, with the specific goal of fostering commercial and industrial growth within the MDP; and

**WHEREAS**, as part of the implementation of the MDP, the Redevelopment Properties were acquired, cleared, and underwent significant environmental remediation where necessary; and

Report of Committee on <u>ECD and Environment</u> Item No. \*49-19 Consent Calendar

-2-

WHEREAS, with the proceeds from such sale to remain with BEDCO in support of its continued activities in implementing the MDP and the SAIP, including property resubdivision, environmental compliance, and demolition, as governed by State of Connecticut Department of Economic Development Assistance Agreements and Budgets relevant to the use of sales proceeds, and all as consistent with BEDCO's obligations as the City's Designated Development Agent for the MDP; and

WHEREAS, BEDCO, in consultation with the City's Office of Planning and Economic Development ('COPED") has identified suitable companies to acquire and develop the remaining available properties in accordance the goals of the Municipal Development Plan; and

WHEREAS, BEDCO has requested that OPED seek City Council authorization to allow BEDCO to sell the following four (4) parcels: 430 Bunnell Street; 440 Bunnell Street; 448 Bunnell Street; and 454 Bunnell Street, to Nano Solutions, LLC, or a commonly owned entity, for the purpose of constructing a manufacturing building of 10,000 square feet or more; and

WHEREAS, the development site comprised of the aforementioned parcels was appraised at \$120,000 in December 2019; and

WHEREAS, City Council action No. 100-16 previously authorized the sale of approximately 1.15 acres within the SAIP Municipal Development Plan to WC McBride Electrical Contractors, LLC, or a commonly owned entity, a sale that was consummated in 2018; and

WHEREAS, BEDCO has requested that OPED seek City Council authorization to allow BEDCO to sell the following two (2) parcels: 398 Bunnell Street; and 400 Bunnell Street to WC McBride Electrical Contractors, LLC, or a commonly owned entity, for the purpose of providing additional parking, landscaping, or expansion space for the 13,000 square foot building it has already received Planning & Zoning approval to construct; and

WHEREAS, the sale of the aforementioned parcels would be for \$20,300, the same price per acre as the proposed sale of the other Bunnell Street parcels referenced in this resolution; and

Report of Committee on <u>ECD and Environment</u> Item No. \*49-19 Consent Calendar

-3-

WHEREAS, the City's Office of Planning and Economic Development COPED") wishes to see the Properties move into private ownership, developed, and become tax-producing.

**NOW THEREFORE BE IT RESOLVED,** that the Director of OPED or his Designee is authorized, in a manner consistent with the purposes expressed in this resolution, to take all necessary actions and to do any and all necessary and appropriate things in furtherance of the objectives of this resolution.

**BE IT FURTHER RESOLVED,** that BEDCO is authorized as the City's Development Agency for the MDP to sell the Redevelopment Properties in a manner consistent with the purposes expressed in this resolution.

# RESPECTFULLY SUBMITTED, THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT AND ENVIRONMENT

M. Evette Brantley, <b>Co-Chair</b>	Maria I. Valle, <b>Co-Chair</b>
Alfredo Castillo	Mary A. McBride-Lee
Rosalina Roman-Christy	Jeanette Herron
So	cott Burns

City Council Date: May 4, 2020





of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority Section 11, the following resolution #56-19 was approved by the City Council of the City of Bridgeport on May 4, 20 20 and the report In accordance with the Charter of the City of Bridgeport, Chapter 5, pursuant to the authority granted to the Mayor under City Ordinance to take necessary action in furtherance of the approved resolution

Item# \*56-19 Consent Calendar

Settlement of Pending Litigation with Wanda Lee Mendez.



# Report q

Committee

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Miscellaneous Matters

City Council Meeting Date: May 4, 2020

hydin N. Marting

Attest:

Lydia N. Martinez, City Clerk

Approved by:

Joseph P. Ganim, Mayor

Date Signed:

To the City Council of the City of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

# Item No. \*56-19 Consent Calendar

WHEREAS, a lawsuit in the following name was filed against the City of Bridgeport and/or its employees and investigation disclosed the likelihood on the part of the City for which, in the event of suit and trial, the City might be held liable, and

WHEREAS, negotiations with the Plaintiff's attorney has made it possible to settle this suit for the figure set forth below, and the City Attorney, therefore, recommends the following settlement be accepted, Now, Therefore be it

**RESOLVED,** That the Comptroller be, and hereby is authorized, empowered and directed to draw his order on the City Treasurer payable as follows:

<u>Name</u>	Nature of Claim	Plaintiff's Attorney	<b>Consideration</b>
Wanda Lee Mendez	Police Liability	Attorney Robert Berke 640 Clinton Avenue Bridgeport, CT 06605	\$20,000.00

BE IT FURTHER RESOLVED, that the amount set forth as above are paid to the Plaintiff's attorney in full payment, settlement, release and discharge of all rights and cause of action described in the suit instituted by the above mentioned Plaintiff against the City and known as docket numbers in the courts set forth; provided, however, that the City's draft shall not be delivered to the Plaintiff's attorneys until the City Attorney has been furnished with a full release and discharge in writing in each case, approved by the City Attorney or Deputy City Attorney.

Report of Committee on <u>Miscellaneous Matters</u> **Item No.** \*56-19 Consent Calendar

-2-

# RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134th, <b>Co-chair</b>	Scott Burns, D-130th, <b>Co-chair</b>
Alfredo Castillo, D-136 <sup>th</sup>	M. Evette Brantley, D-132 <sup>nd</sup>
Matthew McCarthy, D-130 <sup>th</sup>	Denese Taylor-Moye, D-131st
Samia S. Sulima	n_138th

Council Date: May 4,2020

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #62-19 was approved by the City Council of the City of Bridgeport on May\_4, 2020 and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the authority granted to the Mayor under City Ordinance Chapter 3.08.040.

# Item# \*62-19 Consent Calendar

Appointment of Kyle LaBuff (D) to the Planning & Zoning Commission.



# Report

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# Committee

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# Miscellaneous Matters

City Council Meeting Date: May 4 2020	hydin h. Marting
Ċ	Attest:

Lydia N. Martinez, City Člerk

Approved by:

Joseph P. Ganim, Mayor

Date Signed:



To the Pity Pouncil of the Pity of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

Item No. \*62-19 Consent Calendar

**RESOLVED,** That the following named individual be, and hereby is, appointed to the Planning & Zoning Commission in the City of Bridgeport and that said appointment, be and hereby is, approved, ratified and confirmed.

### **NAME**

## TERM EXPIRES

Kyle LaBuff (D)
74 Lorraine Terrace
Bridgeport, CT 06604

December 31, 2021

\*This will fill a vacancy.

## RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134 <sup>th</sup> , <b>Co-chair</b>	Scott Burns, D-130th, <i>Co-chair</i>
Alfredo Castillo, D-136 <sup>th</sup>	M. Evette Brantley, D-132 <sup>nd</sup>
Matthew McCarthy, D-130 <sup>th</sup>	Denese Taylor-Moye, D-131st
Samia S. Sulima	n D-138th

Council Date: May 4, 2020

of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority Section 11, the following resolution #64-19 was approved by the City Council of the City of Bridgeport on May 4, 20% and the report pursuant to the authority granted to the Mayor under City Ordinance In accordance with the Charter of the City of Bridgeport, Chapter 5, to take necessary action in furtherance of the approved resolution Chapter 3.08.040.

# Item# \*64-19 Consent Calendar

Appointment of Ann Binkley (D) to the Board of Assessment Appeals.



# Report ot

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# Committee Ħ

# Miscellaneous Matters

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Lydia N. Martinez, City Clerk

Attest:

Joseph P. Ganim, Mayor Approved by:

Date Signed:



Co the City Council of the City of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

Item No. \*64-19 Consent Calendar

**RESOLVED,** That the following named individual be, and hereby is, appointed to the Board of assessment Appeals in the City of Bridgeport and that said appointment, be and hereby is, approved, ratified and confirmed.

### **NAME**

# TERM EXPIRES

Ann Binkley (D) 2625 Park Avenue, Apt 11B Bridgeport, CT 06604

December 31, 2020

\*This will fill a vacancy.

RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134 <sup>th</sup> , <b>Co-chair</b>	Scott Burns, D-130 <sup>th</sup> , <b>Co-chair</b>
Alfredo Castillo, D-136 <sup>th</sup>	M. Evette Brantley, D-132 <sup>nd</sup>
Matthew McCarthy, D-130 <sup>th</sup>	Denese Taylor-Moye, D-131st
Samia S. Sulima	n, D-138 <sup>th</sup>

Council Date: May 4,2020

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #65-19 was approved by the City Council of the City of Bridgeport on May\_4, 20**2b** and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the authority granted to the Mayor under City Ordinance Chapter 3.08.040.

Item# \*65-19 Consent Calendar

Settlement of Pending Litigation with Thomas Austin.



# Report of

# Committee

# Miscellaneous Matters

City Council Meeting Date: May 4, 2020

hydie n. Marting

Attest:

Lydia N. Martinez, City Clerk

Approved by:

Joseph P. Ganim, Mayor

Date Signed:\_

To the City Council of the City of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

# Item No. \*65-19 Consent Calendar

WHEREAS, a lawsuit in the following name was filed against the City of Bridgeport and/or its employees and investigation disclosed the likelihood on the part of the City for which, in the event of suit and trial, the City might be held liable, and

WHEREAS, negotiations with the Plaintiff's attorney has made it possible to settle this suit for the figure set forth below, and the City Attorney, therefore, recommends the following settlement be accepted, Now, Therefore be it

**RESOLVED,** That the Comptroller be, and hereby is authorized, empowered and directed to draw his order on the City Treasurer payable as follows:

<u>Name</u>	Nature of Claim	Plaintiff's Attorney	<u>Consideration</u>
Thomas Austin	Employment	Attorney Thomas Bucci 855 Main Street Bridgeport, CT 06604	\$75,000.00

BE IT FURTHER RESOLVED, that the amount set forth as above are paid to the Plaintiff's attorney in full payment, settlement, release and discharge of all rights and cause of action described in the suit instituted by the above mentioned Plaintiff against the City and known as docket numbers in the courts set forth; provided, however, that the City's draft shall not be delivered to the Plaintiff's attorneys until the City Attorney has been furnished with a full release and discharge in writing in each case, approved by the City Attorney or Deputy City Attorney.

Report of Committee on <u>Miscellaneous Matters</u> **Item No.** \*65-19 Consent Calendar

-2-

## RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134th, <i>Co-chair</i>	Scott Burns, D-130th, Co-chair
Alfredo Castillo, D-136 <sup>th</sup>	M. Evette Brantley, D-132 <sup>nd</sup>
Matthew McCarthy, D-130 <sup>th</sup>	Denese Taylor-Moye, D-131st
Samia S. Sul	iman, D-138 <sup>th</sup>

Council Date: May 4, 2020

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #66-19 was approved by the City Council of the City of Bridgeport on May\_4, 2020 and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the authority granted to the Mayor under City Ordinance Chapter 3.08.040.

Hem# \*66-19 Consent Calendar

Settlement of Pending Litigation with Carmelo Mendez.



# Report of Committee

Miscellaneous Matters

City Council Meeting Date: May 4, 2020

Attest: J. Martinez, City Clerk

hydia n. Marting

Approved by:

Joseph P. Ganim, Mayor

Date Signed:



To the City Council of the City of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

# Item No. \*66-19 Consent Calendar

WHEREAS, a lawsuit in the following name was filed against the City of Bridgeport and/or its employees and investigation disclosed the likelihood on the part of the City for which, in the event of suit and trial, the City might be held liable, and

WHEREAS, negotiations with the Plaintiff's attorney has made it possible to settle this suit for the figure set forth below, and the City Attorney, therefore, recommends the following settlement be accepted, Now, Therefore be it

**RESOLVED,** That the Comptroller be, and hereby is authorized, empowered and directed to draw his order on the City Treasurer payable as follows:

<u>Name</u>	Nature of Claim	Plaintiff's Attorney	<b>Consideration</b>
Carmelo Mendez	Personal Injury	Attorney Robert Berke 640 Clinton Avenue Bridgeport, CT 06605	\$342,500.00

**BE IT FURTHER RESOLVED,** that the amount set forth as above are paid to the Plaintiff's attorney in full payment, settlement, release and discharge of all rights and cause of action described in the suit instituted by the above mentioned Plaintiff against the City and known as docket numbers in the courts set forth; provided, however, that the City's draft shall not be delivered to the Plaintiff's attorneys until the City Attorney has been furnished with a full release and discharge in writing in each case, approved by the City Attorney or Deputy City Attorney.

Report of Committee on Miscellaneous Matters

Item No. \*66-19 Consent Calendar

-2-

### RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134th, <i>Co-Chair</i>	Scott Burns, D-130 <sup>th</sup> , <i>Co-chair</i>
Alfredo Castillo, D-136th	M. Evette Brantley, D-132nd
Matthew McCarthy, D-130th	Denese Taylor-Moye, D-131st
Samia S. Sulir	nan D-138th

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #83-19 was approved by the City Council of the City of Bridgeport on May\_4, 20 20 and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the authority granted to the Mayor under City Ordinance Chapter 3.08.040.

# Item# \*83-19 Consent Calendar

Appointment of Andrea Garcia to the Board of Assessment Appeals.



# Report

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## Committee on

# Miscellaneous Matters

City Council Meeting Date: May 4, 2020
hydin N. Marting

Attest: U

Lydia N. Martinez, City Clerk

Approved by:

Joseph P. Ganim, Mayor



Co the City Council of the City of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

Item No. \*83-19 Consent Calendar

**RESOLVED**, That the following named individual be, and hereby is, appointed to the Board of assessment Appeals in the City of Bridgeport and that said appointment, be and hereby is, approved, ratified and confirmed.

### **NAME**

TERM EXPIRES

Andrea Garcia 50 Bennett Street Bridgeport, CT 06605 December 31, 2023

\*This will fill a vacancy.

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134th, <i>Co-Chair</i>	Scott Burns, D-130th, Co-chair
Alfredo Castillo, D-136 <sup>th</sup>	M. Evette Brantley, D-132 <sup>nd</sup>
Matthew McCarthy, D-130 <sup>th</sup> Dene	ese Taylor-Moye, D-131st
Samia S. Suli	D 120th

In accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, the following resolution #51-19 (Ref. #176-17) was approved by the City Council of the City of Bridgeport on May\_4, 2020 and the report of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority to take necessary action in furtherance of the approved resolution pursuant to the authority granted to the Mayor under City Ordinance Chapter 3.08.040.

Item# \*51-19 (Ref. #176-17) Consent Calendar

Resolution re: Revision necessitated by OPED noncompliance with Item #176-17 authorizing the Urban Enterprise Zone Assessment Deferral for Qualified Development located at 515 West Avenue.



# Report

# **Joint Committee On**

**Budget & Appropriations and Miscellaneous Matters**  City Council Meeting Date: May 4, 2020

Attest:

Lydia N. Martinez, City Clerk

Approved by: \_

Joseph P. Ganim, Mayor

To the City Council of the City of Bridgeport.

The Joint Committee on <u>Budget and Appropriations and Miscellaneous</u>
<u>Matters</u> begs leave to report; and recommends for adoption the following resolution:

Item No. \*51-19 (Ref.# 176-17) Consent Calendar

#### RESOLUTION

**WHEREAS**, Bridgeport Neighborhood Trust is viewed by many in the city as a vital partner in revitalizing neighborhoods; and

WHEREAS, at the October 15, 2018 City Council Meeting the Council accepted the report of a Joint Committee on Budget & Appropriations and Miscellaneous Matters and approved Item No. \*176-17; and

WHEREAS, Item No. \*176-17 resolved "that the City Council of the City of Bridgeport hereby authorizes the Enterprise Zone Benefit for the Owner's Qualified Project at 515 West Avenue and authorizes OPED to work on ten, fifteen, and twenty-year abatement schedules going back to October 1, 2017 and return such schedules to the City Council for action"; and

WHEREAS, in accordance with the Charter of the City of Bridgeport, Chapter 5, Section 11, resolution # 176-17 was approved by the City Council of the City of Bridgeport on October 15, 2018 and did not require Mayoral signature; said approval was effective as of November 6, 2018; and

WHEREAS, despite the City Council resolution instructing the City to give Bridgeport Neighborhood Trust Enterprise Zone designation for the 515 West Avenue project back to the building's opening in 2017, and also for OPED to prepare a longer term 10/15/20 year tax abatement plan for the building, the City has done neither; and.

**WHEREAS**, instead they provided Enterprise Zone designation only going back to 2018, retained the \$220,000 lien on the building for 2017 and then sold the lien to a private collection agency where it has now increased to over \$250,000; and

WHEREAS, the building is in imminent threat of foreclosure which effectively could close down the Bridgeport Neighborhood Trust as well as the 515 West building and other properties; and

Report of Joint Committee on Budget & Appropriations and Miscellaneous Matters Item No. \*51-19(Ref.# 176-17) Consent Calendar

-2-

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Bridgeport hereby authorizes the Enterprise Zone Benefit for the Owner's Qualified project at 515 West Avenue retroactive to the 2017 Grand List and directs OPED to prepare ten, fifteen, and twenty-year abatement schedules based on the income valuation approach going back to October 1, 2017 and return such schedules to the City Council for action on or before March 15, 2020; and

**BE IT FURTHER RESOLVED,** should OPED fail to do so, the City Council will unilaterally establish a longer-term abatement schedule for the building. Additionally, and in accordance with State Law, the City Council directs the Tax Assessor immediately to use the same income valuation approach in valuing and assessing Bridgeport Neighborhood Trust's other affordable housing projects in Bridgeport.

Report of Joint Committee on Budget and Appropriations and Miscellaneous Matters Item No. \*51-19 (Ref.# 176-17) Consent Calendar

-3-

## RESPECTFULLY SUBMITTED, THE JOINT COMMITTEE ON BUDGET AND APPROPRIATIONS AND MISCELLANEOUS MATTERS

Jorge Cruz, Sr., D-131st
M. Evette Brantley, D-132nd
Denese Taylor-Moye, D-131st
Ernest E. Newton II, D-139th

#### CITY COUNCIL OF THE CITY OF BRIDGEPORT

#### RULES OF ORDER

As approved by City Council December 2, 2019

Amended October 18, 2004

Amended December 6, 2004

Amended October 19, 2009

Amended February 7, 2011

Amended April 18, 2011

Amended October 7, 2019

#### Rule XIII: References to Committees

3. All resolutions or petitions asking for tax refunds or other moneys or for monetary damages for injuries sustained through the negligence of the City, or because of any statutory claim for money against the City shall be referred to the Committee on Miscellaneous Matters; except for the purposes of deferred or tax abatements only, such matters shall be referred to joint committee of Miscellaneous Matters and Budget.



To the City Council of the City of Bridgeport

The Joint Committee on <u>Budget & Appropriation and Miscellaneous</u>
<u>Matters</u> begs leave to report: and recommends for adoption the following resolution:

Item No. \*176-17 Consent Calendar

#### A Resolution by the Bridgeport City Council Authorizing the Urban Enterprise Zone Assessment Deferral For a Qualified Development at 515 West Avenue

Whereas, pursuant to Chapter 585 of the Connecticut General Statutes and Chapter 3.28 of the Code of Ordinances of the City of Bridgeport (the "Ordinance"), there is established within the City of Bridgeport (the "City") an Urban Enterprise Zone (the "Enterprise Zone"); and

Whereas, the Ordinance provides that, with respect to certain real property improvement created by certain qualifying real estate development projects ("Qualified Project") within the Enterprise Zone, the assessment shall be fixed each year in accordance with a seven-year assessment deferral as more specifically detailed in the Ordinance (the "Enterprise Zone Benefit"); and

Whereas, the Ordinance requires that "to qualify for assessment deferral...the property owner must file an application....with the city no later than the date of issuance of a certificate of occupancy for the...newly constructed building...[and] ...within ninety days of the issuance of a building permit" (the "Timely Filing Requirement"); and

Whereas, the Bridgeport Neighborhood Trust, acting through its ownership entity, Downtown West Gates Apartment Limited Partnership (the "Owner"), has developed a Qualified Project at 515 West Avenue, which is located within the Enterprise Zone but did not meet the Timely Filing Requirement and seeks appropriate relief from the City Council;

Now therefore be it Resolved, the Owner has developed a Qualified Project at 515 West Avenue that has been confirmed by OPED but failed to meet the Timely Filing Requirement through an inadvertent mistake.

OPED has determined that the Qualified Project is entitled to the Enterprise Zone Benefit and would have been entitled to the same if it satisfied the Timely Filing Requirement.

Notwithstanding the Owner's failure to meet the Timely Filing Requirement, the Owner is requesting the City Council to consider authorizing the Enterprise Zone Benefit for the Qualified Project.



Report of Joint Committee on <u>Miscellaneous Matters and Budget & Appropriations</u>
Item No. \*176-17 Consent Calendar

- 15

The City Council understands and accepts the fact that the Owner made an unintentional mistake and that it should not be deprived of the Enterprise Zone Benefit and further believes that it is in the best interests of the City of Bridgeport to support the Qualified Project by authorizing the Enterprise Zone Benefit.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Bridgeport hereby authorizes the Enterprise Zone Benefit for the Owner's Qualified Project at 515 West Avenue and authorizes OPED to work on ten, fifteen, and twenty-year abatement schedules going back to October 1, 2017 and return such schedules to the City Council for action.

RESPECTFULLY SUBMITTED,
THE JOINT COMMITTEE ON BUDGET & APPROPRIATIONS AND
MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia. Co-Chair

Nessan J. Smith. Co-chair

Maria Zambrano Viggiano, Co-Chair

Marcus A. Brown

Michael A. Defilippo

Christina B. Smith

Jeanette Herron

Mary A. McBridg-Lee

City Council Date: October 15, 2018

of the Council's doings on that date does not require Mayoral signature; said approval effective as of May 27th, 2020. The Mayor has authority pursuant to the authority granted to the Mayor under City Ordinance City Council of the City of Bridgeport on May 4, 2020 and the report In accordance with the Charter of the City of Bridgeport, Chapter 5, to take necessary action in furtherance of the approved resolution Section 11, the following resolution #63-19 was approved by the Chapter 3.08.040.

Item# 63-19

Appointment of Michael Nastu (R) to the Zoning Board of Appeals.



# Kepor

## Committee 검

# Miscellaneous Matters

City Council Meeting Date: May 4, 2020 hydin N. Marting

Attest:

Lydia N. Martinez, City Clerk

Approved by:

Joseph P. Ganim, Mayor



To the City Council of the City of Bridgeport.

The Committee on <u>Miscellaneous Matters</u> begs leave to report; and recommends for adoption the following resolution:

Item No. 63-19

**RESOLVED,** That the following named individual be, and hereby is, appointed to the Zoning Board of Appeals in the City of Bridgeport and that said appointment, be and hereby is, approved, ratified and confirmed.

#### **NAME**

#### **TERM EXPIRES**

Michael Nastu (R) 32 Teresa Place Bridgeport, CT 06606 December 31, 2022

\*This will fill a vacancy.

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON MISCELLANEOUS MATTERS

AmyMarie Vizzo-Paniccia, D-134 <sup>th</sup> , <b>Co-chair</b>	Scott Burns, D-130th, <b>Co-chair</b>
Alfredo Castillo, D-136 <sup>th</sup>	M. Evette Brantley, D-132 <sup>nd</sup>
Matthew McCarthy, D-130 <sup>th</sup>	Denese Taylor-Moye, D-131st
Samia S. Sulima	n D 138th

# Item # 68-19 (a-e)

General Fund Operating Budget for Fiscal Year 2020-2021 (as amended).



# Report

# Committee

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# **Budget** and Appropriations

City Council Meeting Date: May 4, 2020 (Off The Floor) hydin Di Marting

Lydia N. Martinez, City Clerk

Attest:

Approved by:

Joseph/P. Ganim, Mayor



To the City Council of the City of Bridgeport.

The Committee on <u>Budget and Appropriations</u> begs leave to report; and recommends for adoption the following resolution:

Item No. 68-19 (a, b, c, d, e)

**RESOLVED,** That the Mayor's Proposed General Fund Budget for Fiscal Year 2020-2021 be, and it hereby is approved as amended below and attached hereto.

a.)	Revenue Increases\$	1,755,997.00
b.)	Revenue Decreases\$	-2,059,000.00
Total	Revenues \$	-303,003.00
c.)	Appropriation Increases\$	-4,567,286.00
<b>d.</b> )	Appropriation Decreases\$	4,870,289.00
Total	Appropriations\$	303,003.00

e.) General Fund Budget Fiscal Year 2020-2021 as amended and attached hereto.



Report of Committee on Budget and Appropriations Item No. 68-19 (a, b, c, d, e)

-2-

#### RESPECTFULLY SUBMITTED, THE COMMITTEE ON BUDGET AND APPROPRIATIONS

Scott Burns, Co-Chair	Michael A. DeFilippo, Co-Chai
Denese Taylor-Moye	Jeanette Herron
Matthew McCarthy	Jorge Cruz, Sr.
Ennast	E. Newtown, II

City Council Date: May 4, 2020 (Off The Floor)

					BAC Decreases Descriptions		-434,000 The City will let Board of Education use the funds -1,000,000 Developer might not be able to refinance all their debt	-100,000 Reduction based on economic condition & Covid19 effect -200 000 Reduction based on economic condition	-75,000 Reduction based on economic condition	-50,000 Revenue projection too high due to Covid19 effect -200,000 Revenue projection too high due to Covid19 effect	-2,059,000	-303,003	
	ty Council as a e item in the	•		cil's Budget &	FY2021 BAC Proposed Amount	* +	2.379.690	900,000	350,000	350,000 1,300,000	6,529,690		
e that age	s changes to the Cir e or delete any line roting.	an a		letailed by the City Council's Budget &	FY2020 Mayor's Proposed Budget		434,000	1,000,000	425,000	400,000	8,588,690	1.5	g 1
	Pursuant to the City Charter, the City Council Budget & Appropriations Committee reports its changes to the City Council as a whole in the form of budget amendment resolution. The City Council has the power to reduce or delete any line item in the budget recommended by the Mayor by a majority vote of the council members present and voting.		Budget & Appropriations Committee Vote of General Fund Revenue Decreases	Below are adjustments to the Mayor's Proposed Budget for general fund purposes as detailer Appropriations Committee:	Object / Description		41549 Billed Services 41552 Debt Service Reimbursement	41527 Non-Residential Additions 41650 Parking Violations	41664 Parking Meters Collections	41623 Seaside and Beardsley Checkpoint 41635 Fairchild Wheeler Golf Course			
SI	the City Council E amendment resol	1 1	Committee Vot	e Mayor's Propose	Account #		01863000	01455000	01300000	01355000		, "	
GENERAL FUND DECREASES	Pursuant to the City Charter, whole in the form of budget: budget recommended by the	REVENUE DECREASES (b)	Budget & Appropriations	Below are adjustments to the Appropriations Committee:	Department	REVENUE DECREASES:	Board Of Education Comptroller Office	Economic Development Public Facilities Admin	Public Facilities Admin.	Parks Administration Parks Administration	Total Revenue Decreases	Net Revenue Incr.(Decr.)	

Pursuant to the City Charter, the City Council shall have the power to increase any line item in said budget or add line items to said budget only on a two-thirds (2/3) affirmative vote of the entire membership of the Council.

"BAC" VOTE (C)

Budget & Appropriations Committee Vote of General Fund Appropriation Increases

Below are the adjustments to the Mayor's Recommended Budget for general fund purposes as detailed by the City Council Budget & Appropriations Committee:

	Proposed	Amount BAC increases Descriptions	54,000 64,000 -10,000 Increase needed for employees account 509,800 -70,000 Reinstate \$70k in seasonal employees account 70,000 Reinstate cost relating to additional Electrician position 71,135 Medicare cost relating to additional Electrician position 71,135 Medicare cost relating to additional Electrician position 72,778 Additional Electrician position 71,135 Medicare cost relating to additional Electrician position 72,778 Additional Electrician Position 80,000 290,000 1,900,000
s, Joseph Deneva		Object / Description Budget	0 Other Services 0 Other Services 180 0 P/T Temp/Seasonal Earn Pay 1,744 10 Salary 10 Salary 10 Medicare 11 Mealth Insurance 12 Salary 10 Medicare 13 So Debt Refinancing 14 Merf Pension Contribution 15 Debt Refinancing 16 Medicare 17 So Debt Refinancing 18 Debt Refinancing 19 Debt Refinancing 10 Attrition 10 Salary 10 Attrition 11 So Debt Refinancing 12 Debt Refinancing 13 Debt Refinancing 14 Merf Pension Contribution 15 Debt Refinancing 16 Debt Refinancing 17 Debt Refinancing 18 Debt Refinancing 19 Debt Refinancing 19 Debt Refinancing 10 Attrition 10 Attrition 11 Health Insurance 12 Debt Refinancing 13 Debt Refinancing 14 Debt Refinancing 15 Debt Refinancing 16 Debt Refinancing 17 Health Insurance 18 Owedicare 19 Owedicare 10 Salary 10 Debt Refinancing 11 Health Insurance 12 Debt Refinancing 13 Debt Refinancing 14 Debt Refinancing 15 Debt Refinancing 16 Debt Refinancing 17 Health Insurance 18 Debt Refinancing 18 Debt Refinancing 19
		Account #	on the first that the
a anomarida iddu x		Denartment	Police Department Roadway Maintenance Parks Maintenance Public Facilities Admin Engineering Department Engineering Department Economic Development Tagnering Department Economic Development Economic Development Economic Development Tagnering Services Light House/Youth Services Light House/Youth Services Light House/Youth Services User Assessor Tax Assessor Tax Assessor Weights & Measures

5 Salary       0       452,829       -45         9 Contracted Salary       0       1,002       -         9 Contracted Salary       0       7,280       -         9 Longevity Pay       0       7,500       -         5 Loused Vacation Time Payout       0       5,993       -         5 Social Security       0       5,993       -         5 Social Security       0       5,018       -         4 Health Insurance City Share       0       130,962       -13         5 Television Services       0       3,700       -130,962       -13         5 Employee Tuition/Travel Reimb       0       2,800       0       2,800         6 Other Maintenance & Repairs       0       1,200       0       1,000         0 Supportive Contribution       0       4,977,676       -4,55	Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social  452,829 Services. Secretarial Asst. Position eliminated by Committee  -1,002 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -7,280 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -7,500 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -5,993 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -5,018 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -5,9375 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -3,700 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -2,800 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -1,200 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -1,000 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -1,000 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -1,000 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services  -1,000 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health&Social Services	93
Salary 9 Contracted Salary 9 Contracted Salary 10 p/T Temp/Seasonal Earn Pay 10 Longevity Pay 10 Medicare 10 Social Security 11 Med Fension Contribution 12 Felevision Services 13 Equipment 14 Med the Insurance City Share 15 Employee Tuition/Travel Reimb 16 Office Supplies 17 Octher Maintenance & Repairs 18 Supportive Contribution 19 Outher Maintenance & Repairs 10 Supportive Contribution 10 Suppo	-452,826 -1,002 -7,286 -7,500 -5,939 -5,013 -59,379 -20 -20 -2,80 -1,00 -1,00	-4,567,28
Salary  9 Contracted Salary 9 Contracted Salary 10 P/T Temp/Seasonal Earn Pay 10 Longevity Pay 12 Unused Vacation Time Payout 13 Medicare 15 Social Security 16 Merit Pension Contribution 17 Health Insurance City Share 18 Employee Tuition/Travel Reimb 18 Coffice Supplies 10 Arts and Crafts Equipment 10 Other Maintenance & Repairs 10 Supportive Contribution	452,829 1,002 7,280 7,500 0 5,993 5,018 5,918 5,9375 130,962 3,700 2,800 1,200 1,000	4,977,676
### 51000 Salary #### 51000 Salary #### 51000 Salary #### 51000 Salary #### 51000 Contracted Salary #### 51100 P/T Temp/Seasonal Earn Pay ### 51100 P/T Temp/Seasonal Earn Pay ### 51100 Modificate #### 51100 Modificate #### 51100 Arts and Crafts Equipment #### 55010 Arts and Crafts Equipment #### 55010 Arts and Crafts Equipment #### 55010 Other Maintenance & Repairs ####################################	0000000000000	410,390
155 155 155 155 155 155 155 155 155 155	u, u	
THE REAL PROPERTY AND ADDRESS OF THE PARTY O	Department of Aging         01557??	Parket Franchish Street

# GENERAL FUND DECREASES

budget amendment resolution. The City Council has the power to reduce or delete any line item in the budget recommended Pursuant to the City Council Budget & Appropriations Committee reports its changes to the Council as a whole in the form of by the Mayor a majority vote of the Council members present and voting.

"BAC" VOTE (d)

Budget & Appropriations Committee Vote Of General Fund Appropriation Decreases

Below are the adjustments to the Mayor's Recommended Budget for general fund purposes as detailed by the City Council Budget

& Appropriations Committee:

			FY2021 Mayor's	FY2021 BAC	
			Proposed	Proposed	BAC
Department	Account #	Object / Description	Budget	Amount	Decreases Descriptions
			e e		
Registrar of Voters	01050000	51000 Full Time Salary	421,703	379,255	42,448 Unfund one Clerical Assistant position
Operation of Votors	0105000	52360 Medicare	4,237	3,622	615 Medicare savings associated with unfunding Clerical Asst.
Designar of Voters	0105000	52504 Merf Pension Contribution	50,298	43,341	6,957 Merf savings associated with unfunding Clerical Assistant
Domistral of Voters	0105000	52917 Health Insurance	47,595	25,230	22,365 Health Ins. savings associated with unfunding Clerical Asst.
City Attended	0106000	53010 Personal Property Claims	1,450,000	1,400,000	50,000 Reduce claims account by \$50k due to new attorneys hires
City Attorney	01060000	56130 Legal Services	650,000	625,000	25,000 Reduce Legal Services account by \$25k due to new attorneys hires
City Attorney	01085000	56180 Other Services	275,000	225,000	50,000 Reduce amount by \$50k due to new attorney hired
Cabol Netectoria	01105000	51000 Salary	846,661	727,647	119,014 Unfund Vacant Director of Public Safety position in FY21
Chief Admin Officer	01105000	52360 Medicare	11,464	9,739	1,725 Medicare savings due to unfunding Dir. Of Public Safety
Chief Admin Offices	01105000	52504 Merf Pension Contribution	139,085	119,579	19,506 Merf savings due to unfunding Dir. Of Public Safety
Chief Admin Officer	01105000	52917 Health Insurance	112,716	90,351	22,365 Health Ins. savings due to unfunding Dir. Of Pub. Safety
police Department	01250000	51108 Inside Overtime	2,221,959	2,021,959	200,000 Reduce Mayor's recommended overtime by \$200k
Police Department	0125000	54615 Gasoline	570,000	260,000	10,000 Reduced due to one yr. locked lower price negotiated
Police Department	01250000	51318 Personal Day Payout/Retirement	800,040	775,040	25,000 Reduce personal day payout amount by \$25k due to less retirement
Force Department	01250000	51322 Holiday Payout Refirement	1,050,000	1,000,000	50,000 Reduce Holiday payout/retirement payout amount by \$50k less retirement
Tolice Department	01350000	51108 Inside Overtime	3,850,000	3,750,000	100,000 Reduce Mayor's recommended overtime by \$100k
Fre Department	0126000	SAG10 Diesel	100,600	96,000	4,600 Reduced due to one yr. locked lower price negotiated
Fire Department	01205000	SASTO Diesel	390,000	380,000	10,000 Reduced due to one yr. locked lower price negotiated
Municipal carage	01305000	54615 Gasoline	159,000	155,000	4,000 Reduced due to one yr. locked lower price negotiated
Municipal delege	0132000	51000 Salary	2,088,499	2,017,025	71,474 Unfund & Transfer 2 filled Maintainer 1(Grade 1) to Parks Maint.
Roadway Intelliginance	0132000	52360 Medicare	28,892	27,856	1,036 Medicare savings due to unfunding 2 filled Maintainer 1(Grade 1)
Rodoway Indinterionic	01370000	52504 Merf Pension Contribution	324,555	312,841	11,714 Merf savings due to unfunding 2 filled Maintainer 1(Grade 1)
Roadway Maintenance	0132000	52917 Health Ingirance	684,813	640,083	44,730 Health savings due to unfunding 2 filled Maintainer 1(Grade 1)
Roadway Maintenance	0132000	51111 Snow Bemoval Overtime	250,000	200,000	50,000 Reduce Mayor Recomm, Snow Removal Overtime budget by \$50k
Municipal Garage	01305000	59005 Vehicle Maintenance Services	287,000	262,000	25,000 Reduce Vehicle Maint. by \$25k due to hiring 2 new Fleet mechanics
Municipal Garage	01305000	51108 Regular 1.5x Overtime Pay	63,100	43,100	20,000 Reduce overtime by \$20k due to hiring 2 new Fleet mechanics
Municipal Galage	0162000	59500 Supportive Contributions	245,000	225,000	20,000 Reduce Supportive Contributions account, less supportive Contributions
Supportive Collinations	01325000	59005 Vehicle Maintenance Services	68,400	63,400	5,000 Reduced due to hiring 2 new mechanics
Ton do station	0133000	50005 Vehicle Maintenance Services	55,000	20,000	5,000 Reduced due to hiring 2 new mechanics
Hansiel Station	0135500	51000 Salary	755,198	719,461	35,737 Unfund I Maintainer 1(Grade 1) position in FY2.1
Parks Maintenance	01356000	52360 Medicare	16,505	15,987	518 Medicare savings due to unfunding I Maintainer 1 Grade 1
Pains Maintenance	01356000	52504 Merf Pension Contribution	112,122	106,265	5,857 Merf savings due to unfunding I Maintainer 1 Grade 1
Parks Maintenance	01356000	52917 Health Insurance	299,673	277,308	22,365 Health ins. savings due to unfunding 1 Maintainer 1 Grade 1
Darks Maintenance	01356000	56125 Landscaping Services	320,000	260,000	60,000 City will do some tree stump grinding in house
raiks Mailleliaire	20000000				

1,300,517 92,360 Unfund vacant project manager position	16,881 1,339 Medicare savings for unfunding Project Manager Position	202,977 15,137 Merf pension savings for unfunding Project Manager Position			,2	-600,000 600,000 Anticipated Health Insurance Savings due to iag in miling vacant positions	Carvirs	122,782 Legislative intent is to transfer Weights& Measures from Funds Safety to measure of environment of the safety of April 182,782 Legislative intent is to transfer weights for Cardinal Control of the safety	75					31,	0 466 Legislative intent is to transfer Weignts& Measures from run Jarety to regular comment	Services Control Continues Land to the Manager Control	500,094 Legislative Intent is to transfer Dpt of Aging from Public Faculty to revenies according to the property of the public faculty of the public facul	0 1,002 Legislative Intent is to transfer Dpt of Aging from Public Facility to Health Society Society	7,280 Legislative Intent is to transfer Dpt of Aging from Public Facility to Healthoachdal Services	7,500 Legislative Intent is to transfer Upt of Aging from Public Facility to Health & Social Services					13	3,700 Legislative Intent is to transfer up to Ingilia unit remains a remains and a services.			1,200 Legislative Intent is to transfer Dpt of Aging from Vibility to reading according to meaning consideration of the properties of the	0 100 Legislative Intent is to transfer Dpt of Aging from Public Facility to Healthagouldi Dervices	1,000 Legislative Intent is to transfer Dpt of Aging from Public Facility to neglitice occurs of which	
1,392,877 1,3	18,220	218,114 2		365,000	0 -2,0	φ 0		122,782	750	0	1,546	3,247	20,248	31,799	466		500,094	1,002	7,280	7,500	0	5,993	5,018	59,375	130,962	3,700	200	2,800	1,200	100	1,000	
51000 Salary	52360 Medicare	52504 Merf Pension Contribution	52917 Health insurance	56160 Marketing Services	56??? Mayor's Initiative Covid19	52917 Health Insurance City Share		51000 Salary	51140 Longevity Pay	51156 Unused Vacation Time Payout	52360 Medicare	52360 Social Security	52504 Merf Pension Contribution	52917 Health Insurance	54675 Office Supplies		51000 Salary	51099 Contracted Salary	51100 P/T Temp/Seasonal Earn Pay	51140 Longevity Pay	51156 Unused Vacation Time Payout	52360 Medicare	52385 Social Security	52504 Merf Pension Contribution	52917 Health Insurance City Share	53725 Television Services	53905 Employee Tultion/Travel Reimb	54675 Office Supplies	55010 Arts and Crafts Equipment	56170 Other Maintenance & Repairs	59500 Supportive Contribution	
01450000	01450000	01450000	01450000	01450000	01610000	01086000	blic SAFETY)	01285000	01285000	01285000	01285000	01285000	01285000	01285000	01285000	<b>UBLIC FACILITY</b> )	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	01351000	
Concernit Development	Economic Development	Economic Development	Economic Development	Economic Development	Other Financing Services	Pensions	WEIGHTS & MEASURES(Public SAFETY)	Weights & Measures	Weights & Measures	Weights & Measures	Weights & Measures	Weights & Measures	Weights & Measures	Weights & Measures	Weights & Measures	DEPARTMENT OF AGING ((PUBLIC FACILITY)	Denartment of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	Department of Aging	

Total Expenditure Decreases		,	21,960,740	17,090,451	4,870,289	
				-	*	
					303,003	
Net Expenditure Incr.(Decr.)						

# DEPARTMENT OF AGING LEGISLATIVE INTENT

Overall Surplus/(Deficit)

Effective July 1, 2020, all Department of Aging salaries, personnel,fringes and operational accounts that were proposed in the Mayor's FV21 budget will be transferred out of the Public Facilities division In addition to the above Budget and Appropriations Committee adopted changes to the Mayor's FY2.1 Proposed Budget, the Committee also adopted to transfer the entire FY2.1 Mayor's proposed Department of Aging budget appropriations from Public Facilities division into the Health and Social Services division in FY2021.

Also, note that the Budget and Appropriations Committee eliminated the funding of 1 Secretarial Assistant position in the Department of Aging FY21 salary budget in the amount of \$47,265. into Health and Social Services division in FY2021.

# DEPARTMENT OF WEIGHTS & MEASURES LEGISLATIVE INTENT

In addition to the above Budget and Appropriations Committee adopted changes to the Mayor's FY21 Proposed Budget, the Committee also adopted to transfer the entire FY21 Mayor's proposed Weights & Measures budget appropriations from Public Safety division into the Health and Social Services division in FY2021.

Effective July 1, 2020, all Weights & Measures salaries, personnel, fringes and operational accounts that were proposed in the Mayor's FY21 budget will be transferred out of the Public Safety division into Health and Social Services division in FY2021.



## OFFICE OF THE CITY CLERK RESOLUTION FORM

SECTION I	CITY COUNC	CIL SUBMISSION	INFORMATION	
Log ID/Item Number:	96-19			· · · · · · · · · · · · · · · · · · ·
Submitted by Councilmember(s):	Ernest E. Newton	1	• •	
			:	
Co-Sponsors(s):	Choose an item.	Choose an item.	Choose an item.	Choose an item.
District:	139TH			<u> </u>
Subject:	Amendment to th	ne Municipal Code	of Ordinances 10.1	6 re: Parking Division.
Referred to:	Ordinance Comm	nittee		
City Council Date:	May 4, 2020 (Off	f The Floor)	•	
SECTION II R	ESOLUTION (PLE	ASE TYPE BELO	W)	

## Amendment to the Municipal Code of Ordinances 10.16 regarding the Parking Division

NOW, THEREFORE BE IT HEREBY ORDAINED by the City Council that, effective upon publication, the following new language included in Exhibit A be made a part of Chapter 10.16 of the Municipal Code of Ordinances.

#### EXHIBIT A

### 10.16.040 - Designation of parking division.

[The director, department of public facilities,] The Chief of Police or his/her designee in writing, is designated as the head of the parking division for the city of Bridgeport with all of the powers granted by Connecticut General Statutes Chapter 100, Title 7-202, et seq., as amended.

(Ord. dated 7/5/16)

#### 10.16.050 - Powers.

The powers of the parking division include the management of the parking system, including but not limited to the power to collect and receive all revenue from parking meters located on highways and public streets and from parking facilities, to receive the amounts remitted to the city for parking violations and other fees pursuant to Connecticut General Statutes Section 51-56a(b), as amended, to take ownership of and responsibility for all existing parking meters, and to succeed to all of the city's obligations relative to payment for such parking meters and parking facilities.



## OFFICE OF THE CITY CLERK RESOLUTION FORM

SECTION III SUB	SEQUENT REFERRALS/RE	PLIES AND DATE SENT	/RECEIVED
DEPARTMENT	Referral date sent	Response Received	Date reply received
City Attorney's Office	05/04/2020	□ Yes □ No	
Choose an item.		□ Yes □ No	
Choose an item.		□ Yes □ No	
Choose an item.		☐ Yes ☐ No	
Choose an item.		☐ Yes ☐ No	
Choose an item.		□ Yes □ No	
Choose an item.		□ Yes □ No	
Choose an item.		☐ Yes ☐ No	
Choose an item.		☐ Yes ☐ No	
SECTION IV	PUBLIC HEARING	INFORMATION	
Public Hearing Required	Details	Date	
⊠ Yes □ No	Public Hearing Ordered on	n:	
	CT Post Publication Date(s	i):	
	Public Hearing Held on:		
SECTION V	AMENDMENTS/	/EXHIBITS	
Choose an item.	□Yes □ No	Date:	:
SECTION VI	COMMITTEE ACTION/AP	PROVAL INFORMATION	N
Choose an item.	□Yes □ No	Date:	
Choose an item.	□Yes □ No	Date:	•••
Choose an item.	□Yes □ No	Date:	
SECTION VII	WITHDRAWN/SIN	IE DIE INFORMATION	
Choose an item.	□Yes □ No	Date:	
SECTION VIII	DATE OF APPROV	VAL/DENIAL FROM CITY	COUNCIL
City Council Approval Dat	 'A'		
or y connect typhrovat Dat			
SECTION IX	COMMENT	S (if anv)	