

CITY OF BRIDGEPORT
MISCELLANEOUS MATTERS COMMITTEE

MONDAY, MARCH 28, 2011

6:00 P.M.

ATTENDANCE: Council members: Vizzo-Paniccia; Co-chair, M. Ayala,
Brannelly, *Taylor-Moye, *Walsh
Council President: **T. McCarthy

*= *arrived late*

**= *sat in to make a quorum before other committee arrivals*

Co-chair Vizzo-Paniccia called the meeting to order at 6:03 pm.

Approval of Committee Minutes of February 28, 2011

** **COUNCIL MEMBER BRANNELLY MOVED TO ACCEPT THE MINUTES**
** **COUNCIL MEMBER AYALA SECONDED**
** **MOTION PASSED UNANIMOUSLY**

Co-chair Vizzo-Pannica announced that the agenda would be taken out of order as follows

23-10 Refund Excess Payments

A. Kelly Lenz, Tax Collector stated the assessment was reversed per a court stipulation order and her office was directed to refund any overpayments. She said they had to give back the money for only one entity.

Co-chair Vizzo-Paniccia asked Ms. Lenz to submit the name of the entity. Ms. Lenz stated it was personal property incorrectly assessed. The amount refunded was \$18,225.71 to Manafort Brothers, Inc.

Council member Brannelly asked what percentage of the year was the entity assessed for. Ms. Lenz said it was for one year. She reiterated that it should have never been on the books; they were assessed improperly. She explained that when it was put on the books, they weren't a taxable entity in Bridgeport. The correct steps weren't followed to

put the proper entity on the books and the matter was subsequently appealed. She noted that Plainfield, Connecticut was the entity's address.

Council member Brannelly asked if the entity had a truck parked in Bridgeport. Ms. Lenz said the Tax Assessor could research the question and provide an answer. She said she would provide the year that related to the incorrect assessment.

**** COUNCIL MEMBER McCARTHY MOVED TO APPROVE**

**** COUNCIL MEMBER AYALA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

17-10 Resolution amending City Council Rules – Rule XIII References to Committees to include a statement in the subject indicating any direct or in-kind expenditure of City Funds

Council member McCarthy recalled that they asked for time to include a financial note on all submissions that go before the city council. He worked with City Attorney Anastasi to put the language together to add the information in the executive summary. The updated matter pertained to a change in the rules – *per the submitted language. The committee members took a few minutes to review the language.*

Council member McCarthy explained that what was originally submitted was very lengthy and included the verbiage “*Where as is*” often; so they tried to make the language more concise. He noted that it will be rule # XIII or XV, which will outline the financial impact.

Council member Walsh stated that as a matter of privilege, he was insulted by the city attorney determining if the language should include “*Where as is*” references to be appropriate or not. He said he didn't feel that was his role. And if so, he felt they were wasting their time submitting a resolution. He felt strongly that it was none of his business. Council member McCarthy responded that they will see a difference on the second draft. Council member Walsh said it's a standard from and format to add the “*Where as is*” wording. He repeated that it was none of Attorney Anastasi's business. He said he didn't feel the city attorney had the power to override his opinion as a council member.

Council member McCarthy said he basically agreed with Council member Walsh. He stated that he understood where he was going with excluding the terminology “*Where as is*”, however, he didn't feel they should debate the matter tonight. Council member Walsh disputed his comment and said he thought they should debate. He felt it was the only way the city council and the public could be assured of the exact dollar amount. He commented that the Director of OPM should be the person to sign off on the dollar

estimate. He further stated that when items come before the council, they should know where the money is coming from, particularly if they are experiencing a budget crunch. Council member McCarthy said they went back and forth to cover all the basics. He agreed that the financial impact wasn't clear to the council members when an item is brought forth.

Tom Sherwood, OPM asked if they will have a standard form for all the committees to review and if it will still show the fiscal impact related to an item. Council member McCarthy said he would like a two page document attached to every item the council members receive, so it's easier to see exactly what's involved. He noted that a standard form was previously drafted, but it went unaddressed by the city clerk's office. He said he will attempt another route to generate the standard form.

Council member McCarthy stated that many of the details are at times guesswork and it's hard to predict the exact cost. Council member Walsh said he had a concern that they will be told it will cost for instance \$100k and then OPM sees in advance that it will actually cost \$250k.

City Attorney Anastasi urged the committee not to highlight names of departments within the summary. He cautioned that if they specified certain names, they will have to do it forever. Council member McCarthy thought there was a legislative intent that the Board of Education, Library Board and WPCA to be included in the resolution if it's passed.

Council member Baker questioned when they look at a budget line, will it show the line item the money is coming from. Council member McCarthy said yes. Anything with a fiscal need will have an identified line. Council member Baker asked if a budget transfer line will also be required. Mr. Sherwood replied yes. He said the only exception will be for example, if they purchase a truck, they can do a line item, but not a transfer line, because it may require a bond. However, there will be some kind of signatory to process.

Council member Baker asked if they are in the middle of the year and the item comes before the council and the money is pulled from a specific line, will that information be indicated on the form. Mr. Sherwood said yes, but there is a process involved and they have to process the transfer first.

Council member Brannelly asked if there will be an executive summary attached to every agenda that comes before the council. Council member McCarthy said yes, there will be a regular sheet filled out so they can look for the line item. All the information will be outlined before them. Mr. Sherwood concurred that will be the process. He noted that the process may slow things down a bit, but it should work.

Council member Brannelly asked if the form will be attached to the agenda. Council member McCarthy replied that might be a problem to do, due to the work flow that the city clerk's office already has.

City Attorney Anastasi explained that the form will have to be submitted up front when it goes to the city council from committee.

Mr. Sherwood mentioned that every department is required to bring (25-sets) of every document to the city clerk's office, he questioned where the copies go. Co-chair Vizzo-Paniccia stated that if they request a copy from the city clerk's office, they can't provide it. They have to contact the chair of a specific committee to get the information.

Council member McCarthy suggested that they modify the language to correspond to Council member Brannelly's question about attaching the form to each agenda. He said he would follow up with the city clerk for assistance. He noted that the Assistant City Clerk has revolutionized office procedures and processes; he said he would contact her for further guidance.

Mr. Sherwood stated there is a formal procedure to follow for legal documents. He suggested that the legal documents be scanned and e-mailed as a pdf.file. Council member McCarthy reiterated that he would discuss the matter with the Assistant City Clerk to determine the best way to go about it.

Council member McCarthy read the revised language that was suggested by Attorney Anastasi that would read *"Copies of all executive summaries will be distributed to each council person when a matter is referred to a new committee for review"*. Council member McCarthy thought that the language might denote that the information will be physically mailed to each council member. There was a suggestion to change the wording to include electronic distribution - *see the amended language below*.

Council member Walsh asked if they foresee any issues with the new procedure when they are resolving settlements. Attorney Anastasi said the items submitted to the council puts the amount in the information. The only incidence where the amount isn't indicated is when the matter is in the midst of a trial.

Attorney Anastasi clarified that a rule should never be adopted to encompass the exception, it should only encompass the general.

Co-chair Vizzo-Paniccia asked if they could also include a stamp indicating who signed off with the date included. She thought this would be necessary to show who was responsible of the submission. Mr. Sherwood responded yet. He said most likely, it would be him or a department head that signs off. Council member McCarthy commented that how it was done wasn't key, it's more important to see who signs off and submits the information.

Council member Walsh commented that the executive summary information should be kept short and concise and not lengthy. Council member McCarthy agreed, noting that that the details could vary.

Council member Brannelly asked if it was possible to give a deadline to indicate that they will no longer accept an agenda without the executive summary attached. Council member McCarthy said there has to be a layover period of at least one meeting to implement the request.

**** COUNCIL MEMBER McCARTHY MOVED TO ACCEPT THE AMENDMENT BY SUBSTITUTION PER CITY ATTORNEY ANASTASI'S LETTER DATED MARCH 28, 2011 AS FOLLOWS:**

PROPOSED AMENDMENT TO CITY COUNCIL RULE XIII

New Subsection

"15. All references to any committee by any City agency, board, commission and/or employee must include an executive summary that sets forth the following data: (a) title of submission, (b) submitting entity, (c) contact person and information, (d) deadline for approval and basis for same, (e) substantive summary of matter, (f) city council action requested, (g) financial impact analysis – to include best reasonable estimates as to all expenditures and revenue effects of the reference if approved as requested, (h) departmental budget line-item to which direct expenditures (including grant matching funds) are anticipated to be charged and (i) draft proposed motion(s) for city council adoption." Copies of all executive summaries shall be distributed to each council person electronically *and* by hardcopy when the matter is referred by the full City Council to committee for review.

**** COUNCIL MEMBER BRANNELLY SECONDED
** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER McCARTHY MOVED TO APPROVE AS AMENDED
** COUNCIL MEMBER TAYLOR-MOYE SECONDED
** MOTION PASSED UNANIMOUSLY**

**** COUNCIL MEMBER BRANNELLY MOVED TO ENTER INTO EXECUTIVE FOR THE PURPOSE OF TAKING UP THE FOLLOWING ITEMS:**

130-09 Proposed Workers' Compensation Full and Final Stipulation with Michael Baucó

52-10 Proposed Suit Settlement with Sherry Johnson

- ** COUNCIL MEMBER McCARTHY SECONDED**
- ** MOTION PASSED UNANIMOUSLY**

The committee moved into executive session at 6:58 pm.

- ** COUNCIL MEMBER BRANNELLY MOVED TO COME OUT OF EXECUTIVE SESSION**
- ** COUNCIL MEMBER TAYLOR-MOYE SECONDED**
- ** MOTION PASSED UNANIMOUSLY**

The committee came out of executive session at 7:10 pm.

- ** COUNCIL MEMBER BRANNELLY MOVED TO APPROVE 52-10 PROPOSED SUIT SETTLEMENT WITH SHERRY JOHNSON**
- ** COUNCIL MEMBER McCARTHY SECONDED**
- ** MOTION PASSED UNANIMOUSLY**
- *Consent calendar**

- ** COUNCIL MEMBER TAYLOR-MOYE MOVED TO TABLE 130-09 PROPOSED WORKERS' COMPENSATION FULL AND FINAL STIPULATION WITH MICHAEL BAUCO**
- ** COUNCIL MEMBER AYALA SECONDED**
- ** MOTION PASSED UNANIMOUSLY**

ADJOURNMENT

- ** COUNCIL MEMBER TAYLOR-MOYE MOVED TO ADJOURN**
- ** COUNCIL MEMBER AYALA SECONDED**
- ** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:15 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services