

AGENDA
SPECIAL
CITY COUNCIL MEETING
MONDAY, MARCH 22, 2021
5:30 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

Prayer

Pledge of Allegiance

Roll Call

ITEM FOR IMMEDIATE CONSIDERATION:

- 38-20** Communication from City Attorney re: Proposed Settlement of Pending Litigation for Financial Restitution from Former City Employees Armando Perez and David Dunn (*United States v. Armando J. Perez, 3:20-cr-00180-KAD-1 and United States v. David Dunn, 3:20-cr-00181-KAD-1*), **FOR IMMEDIATE CONSIDERATION.**

(This item regarding pending litigation is appropriate for and may be discussed, in whole or in part, in executive session)

(Special Note: Item# 38-20 listed on the agenda can be found on the City Clerk's website within 24 hours of meeting: City Council Agendas/Minutes; City Council; 2020-2021; Full/Minutes/Size; 2021-03-22 Special pdf)

CITY OF BRIDGEPORT
CITY COUNCIL SPECIAL MEETING
MONDAY, MARCH 22, 2021

5:30 P.M.

This meeting was conducted by Zoom/Teleconference.

CALL TO ORDER

Council President Nieves called the Special Meeting of the City Council to order at 5:34 p.m.

PRAYER

Council President Nieves asked Council Member McBride-Lee to lead the Council in prayer.

PLEDGE OF ALLEGIANCE

Council President Nieves asked Council Member Cruz to lead those present in reciting the Pledge of Allegiance.

ROLL CALL

The City Clerk Lydia Martinez called the roll.

- 130th District: Scott Burns, Matthew McCarthy
- 131st District: Denese Taylor-Moye, Jorge Cruz
- 132nd District: Marcus Brown, M. Evette Brantley
- 133rd District: Michael DeFilippo, Jeanette Herron
- 134th District: Michelle Lyons, AmyMarie Vizzo-Paniccia
- 135th District: Rosalina Roman-Christy, Mary McBride-Lee
- 136th District: Alfredo Castillo, Avelino Silva
- 137th District: Maria Valle, Aidee Nieves
- 138th District: Maria Pereira, Samia Suliman
- 139th District: Eneida Martinez, Ernest Newton

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21 MAR 31 AM 11:32
ATTEST
CITY CLERK

During the roll call, there appeared to be no response from the individuals whose names are listed in italics.

ITEM FOR IMMEDIATE CONSIDERATION:

38-20 Communication from City Attorney re: Proposed Settlement of Pending Litigation for Financial Restitution from Former City Employees Armando Perez and David Dunn (United States v. Armando J. Perez, 3:20-cr-00180-KAD-1 and United States v. David Dunn, 3:20-cr-00181-KAD-1), FOR IMMEDIATE CONSIDERATION.

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City of Bridgeport
City Council Meeting
Special Meeting
March 22, 2021

(This item regarding pending litigation is appropriate for and may be discussed, in whole or in part, in executive session)

**** COUNCIL MEMBER HERRON MOVED FOR IMMEDIATE CONSIDERATION OF AGENDA ITEM 38-20 COMMUNICATION FROM CITY ATTORNEY RE: PROPOSED SETTLEMENT OF PENDING LITIGATION FOR FINANCIAL RESTITUTION FROM FORMER CITY EMPLOYEES ARMANDO PEREZ AND DAVID DUNN (UNITED STATES V. ARMANDO J. PEREZ, 3:20-CR-00180-KAD-1 AND UNITED STATES V. DAVID DUNN, 3:20-CR-00181-KAD-1) DUE TO TIME CONSTRAINTS.**

**** COUNCIL MEMBER NEWTON SECONDED.**

**** THE MOTION TO APPROVE IMMEDIATE CONSIDERATION OF AGENDA ITEM 38-20 COMMUNICATION FROM CITY ATTORNEY RE: PROPOSED SETTLEMENT OF PENDING LITIGATION FOR FINANCIAL RESTITUTION FROM FORMER CITY EMPLOYEES ARMANDO PEREZ AND DAVID DUNN (UNITED STATES V. ARMANDO J. PEREZ, 3:20-CR-00180-KAD-1 AND UNITED STATES V. DAVID DUNN, 3:20-CR-00181-KAD-1) DUE TO TIME CONSTRAINTS PASSED WITH EIGHTEEN (18) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, SULIMAN, MARTINEZ, AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).**

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO ENTER EXECUTIVE SESSION IN ORDER TO DISCUSS PENDING LITIGATION REGARDING AGENDA ITEM 38-20 COMMUNICATION FROM CITY ATTORNEY RE: PROPOSED SETTLEMENT OF PENDING LITIGATION FOR FINANCIAL RESTITUTION FROM FORMER CITY EMPLOYEES ARMANDO PEREZ AND DAVID DUNN (UNITED STATES V. ARMANDO J. PEREZ, 3:20-CR-00180-KAD-1 AND UNITED STATES V. DAVID DUNN, 3:20-CR-00181-KAD-1) WITH THE CITY COUNCIL MEMBERS, THE CITY ATTORNEYS AND REPRESENTATION THEY HAVE DOCUMENTED FOR THIS PURPOSE.**

**** COUNCIL MEMBER BRANTLEY SECONDED.**

Council President Nieves noted for the record that the attorneys requested to join the Executive Session were: City Attorney Christopher Meyer, Atty. Mark Anastasi, Atty. John Bohannon, and Atty. James Devita.

Council Member Pereira said that former Police Chief Perez was arrested and his arrest became national news. The people who will ultimately pay the price are the taxpayers. Council Member Pereira said that she opposes entering into Executive Session because she wants her constituents to hear how their taxpayer dollars were being used. For that reason, she was opposed to entering Executive Session.

**** THE MOTION TO ENTER EXECUTIVE SESSION IN ORDER TO DISCUSS PENDING LITIGATION REGARDING AGENDA ITEM 38-20 COMMUNICATION FROM CITY ATTORNEY RE: PROPOSED SETTLEMENT OF PENDING LITIGATION FOR FINANCIAL RESTITUTION FROM FORMER CITY EMPLOYEES**

ARMANDO PEREZ AND DAVID DUNN (UNITED STATES V. ARMANDO J. PEREZ, 3:20-CR-00180-KAD-1 AND UNITED STATES V. DAVID DUNN, 3:20-CR-00181-KAD-1) WITH THE CITY COUNCIL MEMBERS, THE CITY ATTORNEYS AND REPRESENTATION THEY HAVE DOCUMENTED FOR THIS PURPOSE PASSED WITH EIGHTEEN (18) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, SULIMAN, MARTINEZ, AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).

The Council Members and the attorneys returned to public session at 7:56 p.m. No motions were made or actions taken during the Executive Session.

Council Member Martinez and Council Member Castillo left the meeting during the Executive Session.

**** COUNCIL MEMBER BROWN MOVED THAT THE CITY COUNCIL BE THEREFORE RESOLVED THAT ATTORNEY JAMES DEVITA AND CITY ATTORNEY CHRIS MEYER ARE HEREBY AUTHORIZED AND EMPOWERED TO:**

1. PROCEED WITH SETTLEMENT OF THIS MATTER IN ACCORDANCE WITH THE EXPERT PROFESSIONAL RECOMMENDATIONS PRESENTED BY ATTORNEY DEVITA AND CONCURRED WITH BY CITY ATTORNEY MYER TO THE CITY COUNCIL THIS EVENING IN EXECUTIVE SESSION.

2. NOTIFY LEGAL COUNSEL REPRESENTING MR. PEREZ AND MR. DUNN AND THE APPROPRIATE FEDERAL AUTHORITIES THAT THE CITY ACCEPTS THE OFFER OF AN ADDITIONAL \$150,000 PAYABLE JOINTLY AND SEPARATELY FOR A TOTAL PAYMENT OF RESTITUTION TO THE CITY IN THE AMOUNT OF \$299,407.00 IN FULL AND FINAL SETTLEMENT OF THE CITY'S CLAIM FOR RESTITUTION AND

3. EXECUTE SUCH DOCUMENTATION WITH THE FEDERAL COURT AND LEGAL COUNSEL FOR MR. PEREZ AND MR. DUNN AS REQUESTED TO EFFECTUATE AND IMPLEMENT THE SETTLEMENT.

**** COUNCIL MEMBER CRUZ SECONDED.**

Council Member Pereira said that she would like to note for the record that her constituents along with other residents of Bridgeport had been contacting her about this settlement and encouraging her to vote no. She said it was appalling that they were somewhere in the nature of \$750,000 in cost already with two major lawsuits from Captain Porter and former Deputy Chief Nardozi. Accepting this settlement that has already been made public as \$300,000 in restitution will leave the taxpayers on the hook for costs in the range of \$1 million to \$1.5 dollars based on what will happen with those two lawsuits.

Council Member Pereira said that for all those reasons, she believed they should make full restitution even if it entailed foreclosing on their homes because they deserve it. They betrayed the citizens of Bridgeport.

Council Member McCarthy said that they had just spent 2 1/2 hours listening to the City Attorneys explain this. He said that when he came on to the Council in 2019, he wanted some type of legal counsel for the City Council. He said it would be important to have a non-biased legal counsel to guide them with these decisions they have to make. He said that there were some additional costs and felt that the Council should try to have those covered, also. Council Member McCarthy said that the message they were sending was that if people were going to be corrupt and cheat the City, the city could come after them to the fullest extent. This was letting them off easily.

Council Member Burns said that there was no good resolution for this, but if they were able to gain some restitution from the two individuals, it would be a gain for the City. People should vote their conscience.

Council Member Newton said that people have been bringing in subjects that were not germane to the issue. The courts will never allow people to pay the costs for other plaintiffs. Receiving \$300,000 is more than they have now. Turning down the restitution in the hopes of recouping more money is not right and the courts will not go for it. No court will make one person pay for the sins of another individual. The courts will not make the individual pay more than they are able. The court will not put liens on the individuals' houses or other assets. The attorneys are advising the Council to go with what they can get.

Council Member Cruz said that he was conflicted but he is a reasonable man who follows due process and tries to make reasonable decisions.

Council Member Cruz said that he had not received any calls about this issue but did receive far more feedback on the issue of vaping. What former Chief Perez and Mr. Dunn did was wrong, but their families don't deserve to be punished. The State Attorney is dealing with their pensions. The City Attorneys have recommended that this is the best they can get right now. Council Member Cruz said that he agreed with Council Member McCarthy, but was going to vote for the item because this man served the City for 36 years. Council Member Cruz said that he was not out to destroy this man completely. He's been arrested, shamed and embarrassed. Former Chief Perez got caught up in his own demise. Council Member Cruz said that he would be voting his conscience. Council Member Cruz said that he might not like this, but would be voting yes.

Council Member Herron said that making a decision like this is hard. Everyone makes mistakes. There are a number of attorneys working on this and the Council has been presented with choices, but if they go to court there are no guarantees that the City would be given anything. This is a guaranteed arrangement. Council Member Herron said that she doesn't like the choice, but they need to do what is best for the City.

Council President Nieves explained that Atty. Devita has a specific role in this matter. She then asked Atty. Devita to clarify his role in this case.

Atty. Devita said that he represents the City of Bridgeport, not the City administration or the City Attorney's Office. While his point of contact is the City Attorney's Office for the conduit of information, he represents the City, not any individual part of the City government.

Council Member McCarthy said that Atty. Devita said that he was representing the City of Bridgeport. Council Member McCarthy said that he believed Atty. Devita's invoices are paid out of the City Attorney's Office budget.

Council Member Pereira said that when someone commits corruption, it is not a mistake. This was something that was planned and steps were orchestrated to facilitate the corruption. A mistake is when one gets up early in the dark and puts a navy and black sock on, which you do not realize until you leave the house. That's a mistake, not corruption.

Council President Nieves reminded everyone to be respectful of others' opinions during the process.

**** THE MOTION TO APPROVE THE FOLLOWING:**

THAT THE CITY COUNCIL BE THEREFORE RESOLVED THAT ATTORNEY JAMES DEVITA AND CITY ATTORNEY CHRIS MYER ARE HEREBY AUTHORIZED AND EMPOWERED TO:

1. PROCEED WITH SETTLEMENT OF THIS MATTER IN ACCORDANCE WITH THE EXPERT PROFESSIONAL RECOMMENDATIONS PRESENTED BY ATTORNEY DEVITA AND CONCURRED WITH BY CITY ATTORNEY MYER TO THE CITY COUNCIL THIS EVENING IN EXECUTIVE SESSION.

2. NOTIFY LEGAL COUNSEL REPRESENTING MR. PEREZ AND MR. DUNN AND THE APPROPRIATE FEDERAL AUTHORITIES THAT THE CITY ACCEPTS THE OFFER OF AN ADDITIONAL \$150,000 PAYABLE JOINTLY AND SEPARATELY FOR A TOTAL PAYMENT OF RESTITUTION TO THE CITY IN THE AMOUNT OF \$299,407.00 IN FULL AND FINAL SETTLEMENT OF THE CITY'S CLAIM FOR RESTITUTION AND

3. EXECUTE SUCH DOCUMENTATION WITH THE FEDERAL COURT AND LEGAL COUNSEL FOR MR. PEREZ AND MR. DUNN AS REQUESTED TO EFFECTUATE AND IMPLEMENT THE SETTLEMENT.

PASSED WITH FIFTEEN (15) VOTES IN FAVOR ((BURNS, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, VALLE, NIEVES AND NEWTON) AND THREE (3) OPPOSED (MCCARTHY, PEREIRA AND SULIMAN).

ADJOURNMENT

- ** COUNCIL MEMBER NEWTON MOVED TO ADJOURN.**
- ** COUNCIL MEMBER MCBRIDE-LEE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Telesco Secretarial Services



OFFICE OF THE CITY CLERK
COMMUNICATION FORM

IMMEDIATE CONSIDERATION

Below to be used for processing of Immediate Consideration items only

Log ID/Item number: 38-20
Submitting Department / Contact Name: City Attorney's Office
Mark T. Anastasi, Esquire
Subject: Proposed Settlement of Pending Litigation / City of Bridgeport's Claim for Financial Restitution from Former City Employees Armando Perez and David Dunn (*United States v. Armando J. Perez, 3:20-cr-00180-KAD-1 and United States v. David Dunn, 3:20-cr-00181-KAD-1*).
Referred to Committee: Immediate Consideration
City Council Date: March 22, 2021 (Special Meeting)

Attest:

Lydia N. Martinez

12/22/2021

Lydia N. Martinez, City Clerk

Date

Approved by:

Joseph P. Ganim

Joseph P. Ganim, Mayor

3/22/21

Date

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OFFICE OF THE MAYOR
CITY OF BRIDGEPORT, CONNECTICUT

999 BROAD STREET
BRIDGEPORT, CONNECTICUT 06604
TELEPHONE (203) 576-7201
FAX (203) 576-3913

JOSEPH P. GANIM
Mayor

March 17, 2021

The Honorable Lydia Martinez
City Clerk
City of Bridgeport
45 Lyon Terrace
Bridgeport, CT 06604

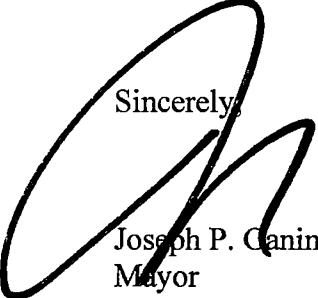
Dear Lydia Martinez,

Pursuant to and in accordance with Chapter 5, Section 5 (a) of the Charter of the City of Bridgeport, I am hereby requesting Special Meeting with the City Council for Monday, March 22, 2021 at 5:30 p.m. to consider the following:

38-20 Communication from City Attorney re: Proposed Settlement of Pending Litigation for Financial Restitution from Former City Employees Armando Perez and David Dunn (*United States v. Armando J. Perez, 3:20-cr-00180-KAD-1 and United States v. David Dunn, 3:20-cr-00181-KAD-1*), **FOR IMMEDIATE CONSIDERATION.**

Should you have any questions, please do not hesitate to contact my office.

Sincerely,


Joseph P. Ganim
Mayor

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21 MAR 19 AM 10:32
ATTEST
CITY CLERK

Mark T. Anastasi, Esq.
25 Sullivan Place
Bridgeport, CT 06610

Office Contacts
(203) 371-0383
martulana@aol.com

City of Bridgeport Contacts
(203) 673-7218
mark.anastasi@bridgeportct.gov

Executive Summary

To: Honorable City Council
Fr: Mark T. Anastasi, Esq.
Cc: Joseph P. Ganim, Mayor
Lydia Martinez, City Clerk
Frances Ortiz, Asst. City Clerk
Janene Hawkins, CAO
Thomas Gaudett, Mayor's Office
James R. DeVita, Esq.
R. Christopher Meyer, City Attorney
John P. Bohannon, Jr., Esq.
Dated: March 18, 2021

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ATTEST
CITY CLERK

Re: Proposed Settlement of Pending Litigation / City of Bridgeport's Claim for Financial Restitution from Former City Employees Armando Perez and David Dunn

BELOW is the required submission data pursuant to City Council Rule XIII, Section 15:

a. Submission Title

Proposed Settlement of Pending Litigation / City of Bridgeport's Claim for Financial Restitution from Former City Employees Armando Perez and David Dunn

b. Submitting Entity

Office of the City Attorney

c. Contact Person

Mark T. Anastasi, Esq.
cellphone and text messages: (203) 673-7218
email: Mark.Anastasi@bridgeportct.gov

d. Deadline for Approval & Basis for Same

Deadline – on or about Monday, March 22, 2021.

Federal Court sentencing hearings are scheduled for April 12th and 13th, for Mr. Perez and Mr. Dunn, respectively. It is necessary for the City (and the parties to be sentenced) to report back to the federal authorities regarding the settlement of the City’s restitution claim sufficiently prior to the sentencing dates so that the impact of such settlement (or non-settlement) can appropriately be considered with regards to the sentences to be recommended to, and imposed by, the Court.

e. Matter Summary

As the City Council is aware, former City employees Mr. Perez and Mr. Dunn have pled guilty to certain charges in federal court, related to their actions concerning the recent competitive civil service examination for the position of Police Chief, which caused financial damage to the City of Bridgeport. As a result, the City is identified as a victim entitled to submit and pursue a claim for financial restitution.

It is understood that as part of pre-plea bargaining between the defendants and the government, Mr. Perez and Mr. Dunn agreed to jointly and severally repay the City financial restitution in the amount of \$149,407. Such amount has been deposited with (*aka* pre-paid to) the federal court for release to the City at the appropriate time post-sentencing.

In order to resolve the City’s remaining claims for further restitution, Mr. Perez and Mr. Dunn have offered an additional \$150,000 to be paid by them jointly and severally. This sum (if the City Council approves this proposed settlement) would also be pre-paid into the federal court in one lump sum pre-sentencing.

As such, issues as to what amount of additional restitution the federal court might award the City (above the already deposited \$149,407) would be definitively resolved; and challenges to collection via a future payment schedule would be avoided.

This proposed settlement is upon substantive terms consistent with the expert recommendations submitted by Attorney James DeVita (outside counsel representing the City in the federal investigation of the recent police chief examination process) as being fair, just, reasonable and in the City’s best legal and financial interest. Attorney DeVita, along with City Attorney R. Christopher Meyer, Deputy City Attorney John P. Bohannon, Jr., and I will be in attendance to present this recommendation for settlement to the City Council and to discuss the benefits to the City of such settlement and to respond to relevant questions thereon.

f. City Council Action Requested

At a City Council Special Meeting to be scheduled for Monday, March 22, 2021 – IMMEDIATE CONSIDERATION of this matter in EXECUTIVE SESSION.

This is a matter appropriate for Immediate Consideration because:

1. Time is a factor in that federal criminal sentencing for Mr. Perez and Mr. Dunn is presently scheduled for April 12th and 13th, respectively; and the results of the negotiations to settle the City's claim for restitution should be reported back to the appropriate federal authorities ASAP, preferably by on or about March 22nd.

2. Referring this matter to the Miscellaneous Matters Committee in the ordinary course would likely (due to the broad level of anticipated interest amongst the full City Council) necessitate a second repeat Executive Session with the full City Council, due to the inability of non-committee members to attend the committee's executive session per CT FOIA requirements.

g. Financial Impact Analysis

Mr. Perez and Mr. Dunn have already agreed with federal prosecutors to make joint and several restitution to the City in the amount of \$149,407, which sum has been remitted (*aka* prepaid) to the federal court.

Full and final settlement of the City's restitution claim for further joint and several payment to the City by Mr. Perez and Mr. Dunn by agreement upon an additional sum of \$150,000 would bring the total restitution amount paid to the City to \$299,407.

Pursuant to the settlement offer, the additional \$150,000 would be deposited with the federal court prior to the April sentencing dates, to facilitate prompt release of the full \$299,407 to the City post final sentencing by the Court.

h. Funding Budget-Line

The settlement if approved would have a substantial positive impact upon the City's FY 2020-2021 Operating Budget.

The entire \$299,407 would be deposited into the City's General Fund and would result in the City recouping civil service competitive test examination expenses for the position of Chief of Police as well as expert, legal and other expenditures the City incurred in responding to the federal subpoena duces tecum for City documents and records related to, or arising out of, the recent Chief of Police examination for the position of Chief of Police.

i. Proposed Motions

#1 MOTION FOR IMMEDIATE CONSIDERATION – 2/3 Majority Vote of those present and voting required.

I hereby move for waiver of referral to committee and for immediate consideration of this matter due to time being of the essence to act upon this matter in view of the federal court sentencing hearing schedule established for Mr. Perez and Mr. Dunn; and to enable the full City Council to receive a timely Executive Session briefing from legal counsel for the City prior to voting on the merits of this proposed settlement.

#2 MOTION TO GO INTO EXECUTIVE SESSION - 2/3 Majority Vote of those present and voting required.

I hereby move to go into Executive Session to discuss negotiations and legal strategy concerning certain pending litigation, specifically the City's claim for additional financial restitution from former City employees Perez and Dunn in the matters of *Unites States v. Armando J. Perez*, 3:20-cr-00180-KAD-1 and *United States v. David Dunn*, 3:20-cr-00181-KAD-1.

#3 SUBSTANTIVE MOTION – to be made upon exiting Executive Session (Simple Majority Vote required).

“NOW THEREFORE BE IT RESOLVED that:

Attorney James R. DeVita and City Attorney R. Christopher Meyer are hereby authorized and empowered to:

1. Proceed with settlement of this matter in accordance with the expert professional recommendations presented by Attorney DeVita (and concurred with by City Attorney Meyer) to the City Council this evening in executive session.
2. Notify legal counsel representing Mr. Perez and Mr. Dunn and the appropriate federal authorities that the City accepts the offer of an additional \$150,000 payable jointly and severally (for a total payment of restitution to the City in the amount of \$299,407) in full and final settlement of the City's claim for restitution; and
3. Execute such documentation with the federal court and legal counsel for Mr. Perez and Mr. Dunn as required to effectuate and implement this settlement.”