

COMMON COUNCIL
NORWALK, CONNECTICUT

NOVEMBER 20, 2021
THE BUNK HOUSE
300 GRUMMAN AVENUE
NORWALK, CT. 06851

I. ROLL CALL

Ms. Dixon called the Roll. The Following Common Council members were present:

Council at Large:	Mr. Gregory Burnett Ms. Nora Niedzielski-Eichner	Ms. Dominique Johnson Ms. Barbara Smyth
District A:	Mr. David Heuvelman	Ms. Nicol Demae Ayers
District B:	Ms. Darlene Young	Ms. Diana Revolus
District C:	Mr. John Kydes	Ms. Jenn McMurrer
District D:	Mr. Tom Keegan	
District E:	Mr. Thomas Livingston	Ms. Lisa Shanahan

At Roll Call there were fourteen (14) Common Council members present and one (1) absent (Ms. Alterman)

Also present were Mayor Harry Rilling; Corporation Counsel, Mario Coppola, Henry Dachowitz, Finance Director and City Clerk, Irene Dixon.

II. PUBLIC PARTICIPATION

There was no public participation this morning.

III. APPOINTMENT OF COMMITTEES

V. GENERAL DISCUSSION OF THE ROLE AND RESPONSIBILITIES OF MEMBERS OF THE NORWALK COMMON COUNCIL.

Mayor Rilling welcomed the Common Council members and congratulated them on the election and said they are in for a very lovely and exciting experience and will enjoy the opportunity to do some good and thanked Common Council members who have been serving the past four to six years. He said it is an interesting time and we have a challenge before us and is the third time we have had a 14 to one majority which can be difficult because people look at us more closely and expect us to do what is right and be a cohesive collaborative body that runs the city and does what we can to improve everyone's life equally and make decisions that are right, and one thing we get accused of with having a 14-1 majority is that we are a "rubber stamp" council but we are not nor will we be, and he wants to be sure that we have good dialogue. He said that it has been a pleasure to have Mr. Keegan on the Common Council and he works very well with us and there is no republican/democratic side when it comes to our discussions, and we don't want it to turn into that and Mr. Keegan has a responsibility to his constituents just like we do. He said he would like to encourage everyone to work together and come together as a body and work closely and make the decisions that are right and gain the confidence of the public, and we now have the opportunity with new vision of the new members and they will bring their thoughts and ideas to the council floor and we have a great opportunity here to continue the work that has been done and expand upon it. In closing he thanked the members of the Common Council for serving and he thanked the team that worked on the onboarding manual and was truly impressed with it will be such a resource for Common Council members and a document that we should have had 20 years ago.

Mr. Livingston thanked everyone for giving up their Saturday morning and this is the first time an onboarding meeting has been held and he echoed Mayor Rilling's comments and thanked the Council members who worked on the manual and especially Ms. Young for being the driving force. He said there will still probably be some questions and encouraged the Common Council members to reach out with any questions, and that the document is a living document and will be changed as necessary.

Mr. Livingston said that during today's meeting there will be information given on the role and responsibilities of the Common Council members and Mr. Dachowitz will also be reviewing the budget process and encouraged the Common Council members to ask questions.

Ms. Young asked that Mr. Livingston explain the FOI process. Mr. Livingston said Mr. Coppola will be touching on that today, but he would like to arrange a separate meeting with the State FOI specialist because the FOI process is important, and we all need to understand how it works. Mayor Rilling said the most important thing when receiving an FOI request to send them to the Law Department because there are a lot of things that are exempt from an FOI request.

Ms. Smyth said that Ms. Young started on the manual two years ago and it was a lot of hard work and thanked her for doing it. The other members of the Common Council applauded Ms. Young for the work she had done. Ms. Young said when she became a Common Council member it would have been helpful to have a manual to refer to and this meeting will also be very helpful and give the opportunity to ask questions.

Mr. Coppola introduced himself and said he is the Corporation Council for the city, and this will be his fifth term. He provided an overview of the role and responsibility of the Common Council and explained that Norwalk has a Mayor and Common Council form of government and the council is an important part

of the city government and for the most part is a legislative role such as making and altering ordinances, establish and consolidate departments, agencies and boards and commissions and approve contracts and to a very important extent at the beginning of the process the council has a role in establishing the amount of money that the city is able to spend as part of the budgeting process. He said his advice regarding boards and commissions is when requests are made to city staff or officials that the members go through the chair of the various committees. Ms. Young said if there are any requests made directly to the department head that it is important that the Chair is copied because it is the respectful thing to do. Mayor Rilling said that he and the Chief of the department should also be copied. He also said prior to the re-org departments were working independently and, in a silo, and now ever Monday morning he has a staff meeting with the Chief's and in the afternoon will have a meeting with one of their reports to discuss the plan for the week and what progress is being made and a lot of these people serve as staff to the committees.

Mr. Coppola said he is a part-time employee of the city but is available anytime to any of the council members and shared his contact information. He also defined the roles of the and specialty areas of those within the Corporation Council's office and asked if there is a FOI request that it is sent to the Asst. City Clerk and if there are any questions that they be directed to Jeff Spahr. He also explained the insurance procedure and said the city's insurance carrier is CIRMA and our potential exposure is \$1 million dollars or more and CIRMA has a right to hire council on our behalf, but Norwalk has only had a small number of claims with exposure over \$1 million dollars and we have had very few instances where the insurance carrier had to pay monies beyond the \$1 million dollars.

Ms. Smyth requested that Mr. Coppola review the executive session for the new members. Mr. Coppola said there are certain limited reasons when the council can go into executive session which he provided some examples and again it is a limited scope of matters that can be discussed in executive session and Norwalk has been more on the conservative side and have more discussion in public session.

Mr. Coppola went over the FOI requirements but said that a separate meeting will be held and will try and schedule that sometime in December or January. Kydes suggesting contacting CCM to see if they have any available trainings for FOI. Mr. Coppola said the state has an FOI specialist who will provide the best training. Mayor Rilling said we belong to the Connecticut Conference of Municipalities, and they provide a variety of services for us and suggested they also be invited to attend a meeting to explain their services and their training services are free to us as members.

Mr. Coppola said it is also important that when reaching out to city staff to also include the Asst. City Clerk and the Chief of Staff, so they are aware.

It was asked if the Corporation Counsels office also represents the members of the Common Council or if we would need our own Attorney. Mr. Coppola said as a city official the city would most likely indemnify you and provide you with your own council at the cost to the city but would be determined on a case-by-case basis.

Ms. Young asked Mr. Coppola to discuss the phones and emails. Mr. Coppola said most importantly any communication written or in electronic format are subject to disclosure pertaining to city business and he urged the council members to use their city emails. Ms. Johnson asked about social media. Mr. Coppola urged the council members to be very careful with social media and whatever is put out there on social media is being put as a city official. Mr. Coppola said to also be aware when members of the council get

together as a group that qualifies as a quorum (other than for caucus) it becomes a public meeting and there would need to be an agenda posted 24 hours prior to the meeting and there would need to be meeting minutes taken.

Mr. Livingston asked Mr. Coppola to discuss conflict of interest. Mr. Coppola said with regard to conflict of interest whenever a member has a personal or financial interest in something that is a conflict which also extends to the immediate family, it is your decision whether to determine if you have a conflict of interest, but he and members of his staff are available to give confidential advice and the best thing to do is evaluate it on a case-by-case basis.

Mr. Coppola discussed ethics and said the standard is set forth in the code of ethics and the Ethics Commission has a very good handbook and urged the committee to refer to the handbook. Ms. DePalma asked what the proper way is to dispose of the meeting agenda packets because some of the information is confidential. Mr. Coppola said when we had live meetings, he would collect the packets at the end of the meeting and encouraged the committee members to shred them and dispose of them or hand them back in.

Mr. Coppola concluded by saying if something is discussed in confidence it should stay in confidence and the last number of years this council has been great about that which is critical and hopes this council continues.

Mayor Rilling said thanked Mr. Coppola and said that he has worked with many Corporation Councils over the years, and Mr. Coppola has taken the Law Department and organized as a private law firm and that he why he was very confident reappointing as Corporation Council. He also thanked everyone who put together the onboarding meeting.

Mr. Livingston also thanked Mr. Coppola and echoed the mayors' comments and said he has been a great resource and is always available.

Mayor Rilling concluded by saying he is never too busy for a council member and his door is always open and the resources of his office as well as the Corporation Counsel office is always available.

Mayor Rilling left the meeting at 10:30AM

Mr. Dachowitz, reviewed the budget process and said the city's finances are in pretty good shape and he had inherited a AAA bond rating from the mayor when he joined and have subsequently kept that, and also have the states largest rainy-day fund which are the reserves for unexpected occurrences.

Mr. Dachowitz presented the operating budget and said he focuses on the expenditure line for next fiscal year and described the budget process. He also reviewed the mill rate process for each district and said we take the expenses and allocate them to the districts they get certain city services and that is how we get different mill rates for each district and when those rates are multiplied by the median home value in each district, we then get an estimated tax bill.

Mr. Dachowitz presented the operating budget calendar as follows:

City of Norwalk

FYE 2023 Operating Budget Calendar

As of 10/15/21

All budget meetings will be conducted virtually on Zoom video conferencing

Friday, October 15, 2021	Finance Department distributes budget packages to departments and agencies.
Tuesday, November 9, 2021	
To	
Thursday, November 18, 2021	Departments file budget requests on staggered deadlines, including goals and objectives, with the Office of Management & Budgets. City departments enter line-item requests online.
Wednesday, December 8, 2021	
To	
Tuesday, December 21, 2021	Finance Department staff meets with each city departments and city grant agencies on a staggered weekly schedule to review requests.
Thursday, January 6, 2022	Finance & Claims Committee BOE/City joint budget expectations discussion.
Friday, January 14, 2022	Board of Education reviews operating & Capital budgets with Finance Department.
Thursday, January 20, 2022	Board of Education revies operating & capital budgets with finance department.
Monday, February 14, 2022`	Chief Financial Officer submits the recommended budget and tax levy in addition to the department request to the Board of Estimate and Taxation 6:30PM.
Tuesday, February 15, 2022	Chief Financial Officer submits the recommended budget and tax levy in addition to the department requests to the Common Council; 6:30PM.
Thursday, February 17, 2022	CFO presents OPBUD at a special join meeting with Finance & Claims and Board of Education at 7:00PM.
Friday, February 18, 2022	Publish recommended budget, tax levy and notice of annual meeting of the Board of Estimate and Taxation in local newspaper.
Thursday, February 24,2022	Finance & Claims holds Public Hearing 6:30-8:30; special meeting held immediately following public hearing; forwards recommendation to the Common Council.
Tuesday, March 1, 2022	Common Council establishes operating budget cap.

Wednesday, March 2, 2022

To

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| Tuesday, March 22, 2022 | Board of Estimate and Taxation conducts meetings to hear from city agencies and other interested parties concerning budget alterations and formulates tentative budget. |
| Wednesday, March 23, 2022 | Board of Estimate hold public hearing on tentative budget 6:30PM. |
| Tuesday, March 29, 2022 | Board of Estimate and Taxation completes its review of the budget and forwards tentative budget to the Common Council. |
| Tuesday, April 12, 2022 | Common Council's regular meeting sets final cap, but not later than 4/19/2022. |
| Wednesday, April 20, 2022 | Publish the tentative budget and tax levy. |
| Tuesday, April 26, 2022 | CFO presents tentative operating budget to the Common Council. |
| Monday, May 2, 2022 | Board of Estimate and Taxation sets Final Budget and tax levy. |

Mr. Dachowitz presented the capital budget process and said the BET sets the ceiling for the capital budget and the capital projects are multiyear assets and are often very large investments, so the approval process is handled separately. He said for capital projects we say they have a certain life and borrow for them today and will pay the loan based on the length of its value and will pay principal repayments and interest over the length of the loan to pay for that asset and that payment is called debt service which is a very significant line item in each year's annual operating budget.

Mr. Dachowitz said the department requests a certain amount over a five-year period and may have a revenue offset for these requests. He said just like the operating budget we also meet on the capital budget and after he reviews the items comes up with his recommendations and then the Planning Commission hear all of the requests and they establish their list of recommendation, and then the Mayor comes up with his recommendation and then comes to the Common Council for review where things can be moved around from department to department, but the ceiling has to be abided to. He went on to say that the WPCA and Parking Authority are enterprise funds and can go out and issue bonds themselves and they generate revenues by fees and have expenses, but the goal of an enterprise fund is to break even.

Mr. Dachowitz presented the capital budget calendar as follows:

CAPITAL BUDGET CALENDAR

FISCAL YEAR 2022-23

October 18, 2021	Submit requests to Director of Finance.
November 18, 2021	Departments file Capital Budget Requests with the Finance, Management & Budgets Office.
December 18, 2021 To January 14, 2022	Finance and Planning and Zoning staff meet with departments to review requests.
(On or before) February 1, 2022	Finance Director compiles and transmits requests together with recommendations to the Common Council, Board of Estimate and Taxation, and the Planning Commission. Recommendations will include a report of the effects such requests will have upon the Operating Budget bonded indebtedness.
(Tentative) Late January/Early February 2022 (On or before) February 15, 2022	Planning Commission meets with Departments to review requests. Planning Commission conducts public hearings on the requests.
(On or before) March 5, 2022	Planning Commission transmits its recommended Capital Budget to the Mayor.
(On or before) March 15, 2022	Mayor completes his review and transmits his recommended budget to the Board of Estimate and Taxation.

(On or before)

April 3, 2022

Board of Estimate and Taxation completes its review
and transmits its recommended budget to the Common Council.

By April 15, 2022

Common Council after approving, rejecting, reducing and/or
reinstating any items gives its final approval.

Friday, April 22, 2022

Chief Financial Officer shall transmit to then Common Council
and the Board of Estimate and Taxation his recommendations in
respect to the most feasible and economical measures to finance the
capital budget for the ensuing fiscal year.

Mr. Dachowitz said he is very concerned about our capital projects and programs, and we have a AAA bond rating which is at risk and the financial advisor to the city, and I studied the statistics for AAA cities and AA cities in Connecticut we determined that at \$400 million dollars in debt we would be at risk of losing the AAA bond rating, and we are currently at \$280 million dollars. He said last year he had calculated that we had net of reimbursements and assuming we get all the reimbursements that we expect we have \$185 million dollars of old approved and authorized capital projects that we have not borrowed money for yet so within two years we may have a problem.

Mr. Dachowitz explained tax exempt debt and said when we borrow from that they look at how much is being borrowed, how much is being spent and how fast it is spent and if it is not spent fast enough they can declare the bonds taxable, so he does not want to have too much cash and violate the IRS principals but on the other hand do not want to have too little cash so he is balancing two competing interests so every quarter he meets with the departments that spend capital project money and find out what the estimated cash outflow for expenditures and cash inflow for reimbursements, and what the net cash flow is and he uses that to figure out how much money should be borrowed.

Mr. Dachowitz concluded by saying that the financial health of the city is very solid and again we have a AAA bond rating and have a very large rainy-day fund and the current operating budget that we are in resulted with a no tax increase, and on the city side are receiving \$39 million dollars from the American Recovery Program, and last year committed to use \$13 million of those funds to pay for the increase in the budget, and felt this was a good use of funds and are using the funds for other projects as well and are looking to use \$7 million dollars in this coming years budget to offset some of the increase so we are doing well and the operating side and controlling the expenditures. He also said we have commenced the efficiency study because there was an agreement with the Board of Education that an efficiency consulting firm would review both budgets looking for efficiency and we just started the study last month so he is not sure their recommendation will come out before the budget process, but the council at that time was hopeful because there is a state rule that says once a certain amount is given to the Board of Education you are not allowed to give them less then they received the prior year no matter what so the efficiency firm is going in to look at their operation as well as the city's and look at all of the operations that were conducted and looking at all of the expenditures and comparing them to benchmarks to give

some visibly and are hoping they will come up with recommendations to help us save money and make us more efficient.

Mr. Burnett said that once a certain amount is allocated for the Board of Education, they have the flexibility to use it as they see fit on the operating budget however, on the capital budget once funds are allocated a certain amount for each project, they cannot move those dollars around to different projects. For example, what is coming before us is the change in the approach with the South Norwalk School where the Board of Education is thinking about changing some of the projects that have been pre-approved to now consolidating those dollars into a different project for the South Norwalk School which will require Common Council approval and asked Mr. Dachowitz expand the relationship between the Common Council and the Board of Education to approve those dollars. Mr. Dachowitz said the Board of Education can not move a line item to a line item on the operating budget without going to the BET but on the capital projects the money is for each individual project and would need to be requested to the Common council for the funds be moved.

It was asked what the difference is between a AAA and AA bond rating. Mr. Dachowitz, explained that is how investors should have in getting repaid and by having a AAA bond rating we get the best interest rate and if we go to AA bond rating the interest rate would be higher which currently is not the worst thing but it is going in the wrong direction, and there is going to be financial consequences and we have hundreds of projects we want to fund and have to determine priority so that we are able to afford the ones that are most valuable to the city and maintain our financial stability and good standing going forward.

Mr. Dachowitz left the meeting at 11:30AM

Ms. Smyth distributed the committee appointments and Mr. Livingston gave a background on the process. Ms. Smyth said the Health Department falls under Community Services and has been with Public Safety. With the development of the Community Services Department under the reorganization Ms. D'Amore has requested that the Health Department fall under Community Services Committee. She said prior to the restructuring the now new Community Services Committee used to be just the Personnel Committee and no one knew which committee the Personnel Department should fall under, and the recommendation is to have a Public Safety/General Government Committee that would include Personnel, Police and the Fire Department Ms. Young said her concern is when was that request made and why are we just discussing it now and questioned the urgency. Ms. Revolus said she thinks this is a discussion that the Chiefs need to be included. There was further discussion and Ms. Smyth said there does not need to be a decision made at this meeting because this will still have to go to the Common Council for approval.

Mr. Kydes said he is curious why he is the second person in more than 20 years to lose their chairmanship and he does not think it is due to his performance because the committee has been very active and very effective so he would like to know why that happened. Mr. Livingston said he agrees it was an extraordinary and difficult move, but that many members felt that Mr. Kydes is divisive and said that he heard that Mr. Kydes has not worked with some city staff. Mr. Kydes said he does not believe divisive is the correct word and he may be outspoken and he is hoping this goes further than securing votes for Mr. Livingston presidency. Mr. Livingston said that is false. Mr. Kydes said if this is the way it must be he chooses not to be on any committee at this point and requested to be removed from all of the committees and he will attend the ones he feels are important, caucus meetings and Common Council meetings.

Ms. Young said she thinks there has been divisiveness on the council period and there are going to be people that have their own personal agendas, goals, and their own reasons for being on the council and this seems very unfair to target one person and she finds it to be disappointing.

Ms. Revolus said for us as a group that want to strengthen the Common Council and our community, we should really be attentive on how we are moving, and we don't want to be looked at by outsiders as something that is damaged and what happened with Mr. Kydes should not have happened.

Mr. Livingston proposed to adjourn the meeting to caucus.

**** MS. SHANAHAN MOVED TO ADJOURN**

**** THE MOTION PASSED WITH ELEVEN (11) IN FAVOR AND (1) ABSTENTION- MR. KEEGAN AND TWO (2) OPPOSED- MR. BURNETT AND MR. KYDES.**

The meeting adjourned at 11:50AM.

Respectfully submitted,

Dilene Byrd