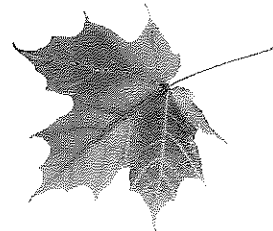
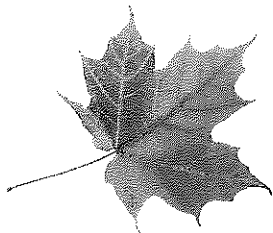


Court of Common Council



AGENDA

MEETING OCTOBER 9, 2018

7:00 P.M.



**CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103**

AGENDA
MEETING OF THE COURT OF COMMON COUNCIL
October 9, 2018

Approve the Minutes of Council Meeting of August 13, 2018 & September 10, 2018

ACTION TAKEN

COMMUNICATIONS

1. MAYOR BRONIN, with accompanying resolution concerning the appointment of Erik Christopher Johnson as Director of Development Services effective October 1, 2018.
2. MAYOR BRONIN, Communication discharging the Public Dedication Committee from reporting on the naming of the pavillion which adjoins the carousel in Bushnell Park be officially known as The Dollard Pavillion.
3. COMMITTEE OF THE WHOLE, Communication concerning a discussion on Council's review of Policies and Procedures within the Hartford Police Department.
4. HEALTH AND HUMAN SERVICES COMMITTEE Communication concerning referred item place on the Committee's agenda which was postponed at the committee meeting, a discussion on Boards and Commissions and Juvenile Justice Legislation.

FOR ACTION

5. Substitute ordinance amending Chapter 2A - Pensions, Section 2A-5 and creating New Sections 2A-45, 2A-46 and 2A-47 of the Hartford Municipal Code.
6. Resolution concerning the approval of the regulations governing the use of unmanned aerial vehicles by the Hartford Police Department in accordance with the processes recommended by this resolution.
7. Ordinance amending Chapter Two, Article VIII Section 2-850 Residency Requirements of the Municipal Code.
8. Ordinance amending Chapter 2, Article VI, Division 4, Section 2-352 concerning compensation for nonunion and unclassified executive service classification of the Hartford Municipal Code.
9. Ordinance amending Chapter 29, Article I, to add Section 29-18 relating to the Use of Unmanned Aerial Vehicles by the Hartford Police Department, of the Municipal Code.
10. Resolution requesting that the pavilion which adjoins the carousel at Bushnell Park be officially known as The Dollard Pavilion in honor of this outstanding citizen.

PROPOSED ORDINANCES

11. (MAYOR BRONIN) Ordinance amending Chapter 28 Article VI (Tree Ordinance) of the Municipal Code.

HEARING DATE - Monday, October 15, 2018

12. (COUNCIL PRESIDENT THAMES) (ASSISTANT MAJORITY LEADER GALE) (COUNCILMAN CLARKE II) (COUNCILWOMAN WINCH) Ordinance amending Chapter 28 Article XV of the Municipal Code for the purpose of Establishing the Columbia Street/Park Terrace Special Services District.

HEARING DATE - Monday, October 15, 2018

RESOLUTIONS

13. (COUNCIL PRESIDENT THAMES) Resolution concerning the appointment of Franklin Perry and Jack Ellovich to the Hartford Stadium Authority pursuant to Chapter 37 Section 37-6 of the Municipal Code.
14. (COUNCILMAN CLARKE II) Resolution urging the Administration to request the Federal Court NOT "sunset" the Consent Decree until the above issues surrounding the Firearms Discharge Board are settled and to provide an update by the next Council Meeting scheduled for October 22, 2018.

15. (COUNCILMAN CLARKE II) Resolution requesting another recruitment, retention and promotion plan with special emphasis on Minorities and Hartford residents and include the current staffing levels which includes rank, years of service, salaries and race from The Hartford Police Department.
16. (COUNCILMAN DEUTSCH) (COUNCILWOMAN FOX) (MINORITY LEADER BERMUDEZ) (COUNCILWOMAN WINCH) Resolution requesting that the administration promptly produce independently-calculated details showing comprehensive and complete costs for employees, their families and also an analysis of HDHP/HSA plans and/or unjustified increases in paycheck deductions for health insurance, through new or renewed contractual terms or through administrative imposition.
17. (COUNCILWOMAN WINCH) (COUNCILWOMAN FOX) Resolution requesting that an (11) eleven-member Charter Revision Commission be appointed pursuant to the provisions of Sections 7-187 through 7-194 of the Connecticut General Statutes.

Attest:

John V. Bazzano
City Clerk

ITEM # 1 ON AGENDA



Luke A. Bronin
Mayor

October 9, 2018

Honorable Glendowlyn L.H. Thames, Council President, and
Members of the Court of Common Council
City of Hartford
550 Main Street
Hartford, CT 06103

RE: Development Director Nomination

Dear Council President Thames:

Attached for your consideration is a resolution confirming my nomination of Erik Christopher Johnson as Director of the Development Services Department of the City of Hartford, effective October 1, 2018.

Mr. Johnson earned his undergraduate degree at Trinity College in Hartford and his master's in City and Regional Planning at Morgan State University in Baltimore, Maryland. He began his career in development financing where he developed relationships and partnerships with public and private investors. He then supervised Washington D.C.'s Home Again Program turning blighted buildings into affordable and workforce housing. He served as Vice President of Development for the National Community Renaissance Corporation to complete the creation of 125 units of affordable housing in San Bernadino, California. His most recent experience is in New Haven, where he directed the Livable City Initiative and served as Senior Director for Strategy Policy and Innovation for the New Haven Housing Authority.

Mr. Johnson understands both the challenges and the opportunities we have here in Hartford. His skills and experience with development and public private partnerships make him an excellent choice to help our city build on its accomplishments and guide us to future growth. His resume is attached for your review.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Luke A. Bronin", is written over a horizontal line.

Luke A. Bronin
Mayor

550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606

INTRODUCED BY:
Luke A. Bronin, Mayor

COURT OF COMMON COUNCIL
City of Hartford, October 9, 2018

WHEREAS, The Mayor has nominated Erik C. Johnson as Director of the Department of Development Services for the City of Hartford, and

WHEREAS, Mr. Johnson holds a master's degree in city and regional planning from Morgan State University and has more than twenty years' experience in community and economic development in New Haven, Baltimore, Washington D.C. and elsewhere, now, therefore, be it

RESOLVED, That the Court of Common Council hereby confirms the Mayor's nomination of Erik Christopher Johnson as Director of Development Services for the City of Hartford effective October 2, 2018.

ERIK CHRISTOPHER JOHNSON

SUMMARY

Reputable, leader, innovator and facilitator with over 20 years of experience in community economic development, affordable housing and local government. Successful development of public-private partnerships and initiatives in new and emerging markets. Track record in developing evaluating business models and management capacity for enterprises and agencies. Ability to translate concepts and ideas into measurable and definable outcomes while adhering to organizational mission and principals. Engaging and skilled presenter with success targeting large community groups, professional and non-profit organizations.

CORE COMPETENCIES

- **Public/Business Relations:** Conducts seminars, community presentations, leads contract negotiations, board Participation, team and group facilitation activities.
- **Strategic Leadership:** Led working groups responsible for the development of the Hill-to-Downtown Plan for the City of New Haven, and the Waterman Gardens Neighborhood Redevelopment Plan in San Bernardino, California. Established 360 Management Group, 3rd party property management affiliate of Housing Authority of New Haven.
- **High-Level Negotiations:** Successful negotiation of land disposition agreements, public/private housing development loans and refinance agreements, tax abatements, bank and financing agreements and vendor contracts.
- **Stakeholder Partnerships:** Lead the development of the "BUY NEW HAVEN" campaign to promote new homeownership and investments in the City. Created summer movie series to the City of New Haven, managing administration, marketing, fundraising, communication and community engagement.
- **Bridging Cultures:** Acts as a liaison between government officials, elected officials, private sector conglomerate to facilitate dialogue and advance the objectives of the program and compliance initiatives.

PROFESSIONAL EXPERIENCE

Senior Director, Strategy Policy and Innovation

Elm City Communities – Housing Authority of the City of New Haven

2016 - Present

Member of ECC-HANH Senior Leadership Team whose responsibilities include strategic planning, asset management, HUD Compliance, Quality Control and Performance Management.

- Responsible for the establishment of launch a 3rd Property Management Company, 360 Management Group, Co. that will assume property management responsibilities for former PHA owned properties and developments.
- Direct the design and implementation of new case management system that will track staff, resident and vendor activities.
- Manage the preparation and submission of Annual Program and Compliance Reports to HUD.
- Coordinate state and local policy and legislative activities on behalf of the Agency
- Establish and direct Quality Control and Performance Monitoring activities on behalf of agency

Vice President of Development

National Community Renaissance Corporation – Rancho Cucamonga, CA

2015 - 2016

Coordinated the design, financing, and resident and community engagement and organizing activities for the \$200M Waterman Gardens Redevelopment Project in San Bernardino, California.

- Successfully closed over \$80M in financing resulting in the construction and development of 125 new units of affordable housing
- Secured \$12M in public financing from the City of San Bernardino and the San Bernardino Housing Authority to support redevelopment activities.
- Directed communications and partner activities on behalf of National CORE with the City of San Bernardino, the San Bernardino School Unified School District, the County of San Bernardino, the San Bernardino Housing Authority and other stakeholders for development projects.

Executive Director, Livable City Initiative

Livable City Initiative, City of New Haven - New Haven, Connecticut

2010 - 2015

to lead Department through a series of organizational changes with the goal of increasing City investments in workforce and affordable housing and improve the effectiveness and efficiency of its housing code enforcement program operations. Managed a team of thirty-six staff, including oversight for all administration, budgeting, marketing, public, private and community official liaison, program development, communications and compliance management associated with City's housing and community development activities.

- Led planning efforts for New Haven \$1M HUD Challenge Grant Award, which resulted in the development of the Hill-to-Downtown Plan for the City of New Haven.
- Supported the development investment pipeline for the City of approximately 1,000 new units and \$500M in potential development activities.
- Directed investments in affordable and workforce housing developments; including negotiation of land disposition agreements, loan terms, and tax abatements.
- Coordinated the design and implementation of a cloud-based housing code enforcement inspection and administration program. Spearheaded the transition of the inspection platform from paper to electronic media, and increased closed case rate by 40% within a twelve (12) month period.
- Project Leader for City's Tax Abatement Workgroup, charged with developing a set of standard tax abatement policies to facilitate the development and construction of new multi-family and commercial developments.
- Initiated the City anti-blight and nuisance property efforts, resulting in a 20% decline in chronic vacant property over a twenty-four (24) period; directed the 1st foreclosure property for the State and City of New Haven complying with State anti-blight and property management laws
- Lead the creation of the "BUY NEW HAVEN" marketing campaign, designed to promote homeownership and new investment in City Neighborhoods.

Project Manager

William C. Smith & Company - Washington, DC

2008 - 2010

Responsible for overseeing the day to day operational tasks associated with the renovation and or development of a residential or mixed-use development projects in Washington, DC.

- Managed the acquisition renovation of a 98-unit Low-Income Housing Tax Credit and TCAP residential project in Southeast Washington, DC.
- Coordinated due diligence and master planning activities for \$700MM multi-site, mixed use real estate development project in Northwest Washington, DC
- Created financial models to establish land values and worked in conjunction with senior management to determine return assumptions.
- Carried out land and subsidy agreement negotiations with the District of Columbia officials.
- Coordinated the development of corporate documents on behalf of the Development Team.

Assistant, Director, Home Again Initiative

Project Manager, Home Again Initiative

Office of Deputy Mayor for Planning & Economic Development, Washington, DC

2005 - 2008

Supervised the administration of the District's Home Again Program; responsible for a team of project managers, attorneys, clerical staff and 3rd party consultants charged with the acquisition of property through tax foreclosure, eminent domain and friendly sale for the purposes of creating affordable and workforce housing opportunities in targeted neighborhoods in the District of Columbia.

- Negotiated the sale of district owned properties to for-profit and not-for-profit developers.
- Acquired nuisance properties on behalf of the District government through eminent domain, tax foreclosure, friendly sale and agency re-assignment.
- Managed the disposition and development of scattered site single family and multi-family development projects to facilitate production of affordable and workforce housing.
- Created regulatory and program framework for 1st green scattered site redevelopment program within the District of Columbia.
- Performed financial and regulatory analyses of district-owned properties to determine value, sale price and highest and best use.

Principal, TRF Private Equity

The Reinvestment Fund - Philadelphia, Pennsylvania

2002 - 2005

Promoted TRF brand and generated deal flow through the development of strategic alliances and partnerships with financial institutions, investment professionals, local institutions and public institutions.

- Managed relationships with local investor group, comprised of Anne E. Casey Foundation, the Open Society Institute, Johns Hopkins University, Deutsche Bank and other local Baltimore based foundations and institutions
- Responsible for the identification of three portfolio companies resulting in over \$7MM in new investments.
- Developed and analyzed financial models to evaluate performance, profitability and return on investment for potential portfolio companies.

Vice President and Loan Officer,

Development Credit Fund, Inc. - Baltimore, Maryland

1998 – 2002

Developed partnerships with Small Business Administration, City of Baltimore and the Empower Baltimore Management Corporation to create small business lending and technical assistance programs for small, minority, and women owned firms in Baltimore, the State of Maryland and Delaware.

- Developed and managed a \$2.5MM micro-enterprise loan program with funding received from the US Small Business Administration and the Maryland Department of Housing Community Development.
- Created state-wide technical assistance provider network for businesses receiving loans
- Managed small public funding \$15MM loan over thirty-two months with less than a 4% default rate.
- Conducted reviews of business plans, financial statements and pro-forma projections for prospective borrowers.
- Authored successful \$500K grant application from US Department of Treasury's CDFI Fund.

EDUCATION

Masters, City and Regional Planning
Morgan State University, Baltimore, Maryland

Bachelor of Arts in Political Science and Sociology
Trinity College, Hartford, Connecticut

AFFILIATIONS

Trinity College, President, Black Alumni Organization
Higher Heights Youth Empowerment Program, Board Member
360 Management Group, Board Member
Yale University School of Architecture and Design, Guest Lecturer, 2014
Urban Land Institute, Member

ITEM # 2 ON AGENDA



Luke A. Bronin
Mayor

October 9, 2018

Honorable Glendowlyn L.H. Thames, Council President, and
Members of the Court of Common Council
City of Hartford
550 Main Street
Hartford, CT 06103

RE: Discharge from Dedication Committee

Dear Council President Thames:

I hereby request that the attached resolution, submitted to Council on January 9, 2017 as #27 and referred, on that date, to the Dedication Committee, be discharged from the Committee so that action might be taken by Council at your October 9, 2018 meeting.

The resolution proposes that the pavilion that adjoins the carousel in Bushnell Park be officially known as The Dollard Pavilion in honor of John L. "Jack" Dollard, an architect, artist, and activist well-known in Hartford.

Thank you for your attention to this matter

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Bronin", is written over a horizontal line.

Luke A. Bronin
Mayor
Chair, Dedication Committee

550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606

Court of Common Council

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103



Glendowlyn L. H. Thames, Council President
James Sánchez, Majority Leader
John Q. Gale, Assistant Majority Leader
Wildaliz Bermúdez, Minority Leader

Thomas J. Clarke II, Councilman
Larry Deutsch, Councilman
Claudine Fox, Councilwoman
Maly Rosado, Councilwoman
rJo Winch, Councilwoman

John V. Bazzano, Town and City Clerk

Communication

October 9, 2018

Honorable Glendowlyn L. H. Thames, Council President
City of Hartford
550 Main Street, Room 208
Hartford, CT 06103

Dear Members of the Court of Common Council:

The Committee of the Whole (COW) held a meeting on September 26, 2018 at 5:30pm in Council Chambers to discuss the following items as reflected on the committee agenda.

**Council Review of Policies and Procedures within the Hartford Police Department
and other matters concerning the following:**

- **Internal Affairs Complaints and Disciplinary Action Overview**
- **Community Policing Model and Engagement**
- **Officer Recruitment and Retention**
- **Professional Standards and Training of Officers**

The following were present: Council President Glendowlyn L. H. Thames, Majority Leader James Sánchez, Assistant Majority Leader John Gale, Minority Leader Wildaliz Bermudez, Councilman Thomas J. Clarke II, Councilman Larry Deutsch, Councilwoman Claudine Fox, Councilwoman Maly Rosado and Councilwoman rJo Winch.

Hartford Police Department Attendees: Chief David Rosado, Assistant Chief Rafael Medina II, Assistant Chief Jason Thody, Deputy Chief William Long, Deputy Chief Joseph Buyak, Deputy Chief Dustin Rendock, Captain Glendaly Garcia, Lieutenant Brian Bowsza, Lieutenant Marisol Rodriguez-Velez, Lieutenant William Rea, Lieutenant Kevin O'Brien, Sergeant Steven Austin, Sergeant Omayra Martinez-Baidy, Officer Kelly Baerga, Officer Tyrell Jenkins and Officer Jimmy Barrett.

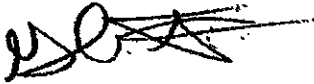
Also attended: Thea Montanez, Chief of Staff and Chief Operating Officer, Faith Palmer, Assistant to the Chief Operating Officer, Vasisht Srivastava, Research and Communications Specialist Office of Mayor Luke A. Bronin Alexandra Beaudoin, Special Assistant to the Chief of Staff & Intergovernmental Affairs and other concerned citizens.

Chief Rosado provided a presentation to the Committee with an overview of a Policies and Procedures within the Hartford Police Department as they pertain to items reflected on the agenda. (Please see attached presentation)

A lengthy discussion ensued amongst committee members and Chief Rosado concerning disciplinary actions, citizen complaints, training, recruitment and promotional opportunities, and building relationships with the community, etc.

The Committee adjourned at approximately 9:12pm

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Glendowlyn L. H. Thames', with a stylized flourish at the end.

Glendowlyn L. H. Thames
Council President

ITEM# 4 ON AGENDA
Court of Common Council

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103



Glendowlyn L. H. Thames, Council President
James Sánchez, Majority Leader
John Q. Gale, Assistant Majority Leader
Wildaliz Bermúdez, Minority Leader

Thomas J. Clarke II, Councilman
Larry Deutsch, Councilman
Claudine Fox, Councilwoman
Maly D. Rosado, Councilwoman
rJo Winch, Councilwoman

John V. Bazzano, Town and City Clerk

October 9, 2018

Honorable Glendowlyn Thames Council President and City Council Members
550 Main Street room 208
Hartford, Connecticut 06103

COMMUNICATION

Dear Council President and City Council Members:

The Health and Human Services Committee held its regularly scheduled meeting on Monday, October 1, 2018 at 5:30 pm in the Council Chambers. The following were present:

Health and Human Services Committee Chair Larry Deutsch, committee member Councilwoman rJo Winch, Councilwoman Claudine Fox, Corporation Council Demar Osbourne, Assistant to COO Faith Palmer, American Heart Association Jim Williams, CDRCHE/St. Francis Hospital Angela Harris and Bryte Johnson of Cancer.org.

After a brief introduction of the room, Chairman Deutsch asked if anyone had a comment for the public speaking portion of the meeting. Mr. Williams of the American Heart Association said that they would reserve their comments for the Public Hearing, On October 15, 2018.

Committee Chair then introduced the following referred item:

RESOLUTION SUPPORTING THE EFFORTS OF ICE CREAM FOR A DREAM TO RAISE AND/OR SECURE AT LEAST \$10,000 FOR A CONTINUATION OF OPERATIONS FOR UPCOMING AND FUTURE SEASONS. (COUNCILMAN CLARKE II)

To give the maker of the resolution an opportunity to come and speak on the item, the committee agreed to postpone this item.

Other business:

Updates on Boards and Commissions:

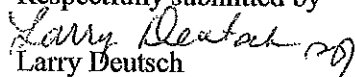
Committee Chair asked Ms. Palmer if she knew about the delays with populating the boards and commissions. She was not aware but offered to extend the concern to the Chief of Staff, Thea Montanez as well as, Alex Boudoin of the Mayor's office.

New Legislation on Juvenile Justice and the next State session:

Committee Chairman briefly spoke about new Juvenile Justice legislation. And how it is not too early to speak with state representatives about lowering the age limit for young offenders which will keep them from being sentenced as adults. He then encouraged the committee to consider the Legislative agenda for the upcoming session.

The meeting was then adjourned.

Respectfully submitted by

Handwritten signature of Larry Deutsch in cursive script.

Larry Deutsch

Chairman of Health and Human Services Committee



Luke A. Bronin
Mayor

June 12, 2017

Honorable Thomas J. Clarke II, Council President, and
Members of the Court of Common Council
City of Hartford
550 Main Street
Hartford, CT 06103

RE: Defined Contribution Plan

Dear Council President Clarke:

Attached, for your consideration, please find an ordinance establishing the defined contribution pension plan design and other requirements for all non-union employees hired on or after July 1, 2017. The Court of Common Council authorized the development of this plan by ordinance dated January 23, 2017.

The attached ordinance includes the following design elements:

<i>Employee contribution:</i>	Not less than 3.0%
<i>Employer contribution:</i>	Not less than 3.0% with matching of employee contribution not-to-exceed 7.0%
<i>Employee vesting:</i>	Year one: 0%
	Year two: 20%
	Year three: 50%
	Year four: 80%
	Year five: 100%

Non-union employees hired on or after July 1, 2017 will have the option to participate in this defined contribution plan, as they do with the current defined benefit plan. Employees who choose to participate will be required to contribute a minimum of 3% of their salary to the plan with the ability to increase their contribution to the maximum amount allowed by the Internal Revenue Service. The City will match the employee's contribution up to a maximum of 7%. The defined contribution plan participants will gain a vested interest in the contributions of both the employee and the City in accordance with the schedule shown above.

As you are aware, the Pension Commission is required to administer all of the City's retirement plans and, in accordance with this requirement, will administer this defined contribution plan. The City Treasurer and members of my Administration are available to assist you in reviewing this ordinance.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Luke A. Bronin".

Luke A. Bronin
Mayor

550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606

SUBSTITUTE

Introduced by: Mayor Luke A. Bronin

HEADING AND PURPOSE

AN ORDINANCE AMENDING CHAPTER 2A - PENSIONS, SECTION 2A-5 AND CREATING NEW SECTIONS 2A-45, 2A-46, AND 2A-47 OF THE HARTFORD MUNICIPAL CODE

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

September 11, 2017

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Chapter 2A, Section 2A-5 of the Municipal Code of Hartford be amended as follows and that Sections 2A-45, 2A-46 and 2A-47 be added as follows:

Article I. General Provisions

Sec. 2A-5. - Definitions.

As used in this chapter, the following terms shall have the meanings ascribed thereto below, unless, and then only to the extent, a subsequent definition specifically provides for a different meaning with respect to any such term within the context of a particular section or subsection.

- (1) " *Actual service* " shall consist, for purposes of establishing both vested (i.e. nonforfeitable) rights to, and eligibility to receive, any benefits provided herein which are conditioned upon the completion of such service, of the following:
 - a. Any period or periods during which a member provided service to the city, library or board by working a full time schedule and for which a member has contributed the requisite portions of his or her earnings to the fund;
 - b. Any of those periods referenced in subsections (1)b.1 through 5 below, during which a member provided service to the city, library or board by working anything less than a full time schedule, and for which a member has contributed the requisite portions of his or her earnings to the fund, including:
 1. Periods of employment in a position in the unclassified service of the city for which the member has timely elected to receive credit for such service pursuant to the provisions of Ordinance Number 50-98;
 2. Periods of employment with the city during which a member worked at least twenty (20) hours a week and was represented for collective bargaining purposes by the Municipal Lawyers Association;
 3. Periods of employment during which a member is, or was, classified as a part time professional employee of the library;
 4. Periods of employment during which a member is, or was, classified as a part time employee of the board; and
 5. Periods of employment after returning from maternity or paternity leave, so long

5. Periods of employment after returning from maternity or paternity leave, so long as the member worked a full time schedule immediately prior to such leave and subsequently returned to full time employment, provided that the member was eligible for, and timely elected to receive, credit for such service pursuant to the provisions of Ordinance No. 18-03.
- c. Any period or periods of qualified USERRA service as defined in section 2A-7, regardless of whether a member has purchased or otherwise elected to receive USERRA credit pursuant to section 2A-7(d); and
- d. Any period or periods during which an employee received weekly payments representing income replacement under the Workers' Compensation Act.
- (2) A member's "*basic weekly pay*" shall mean the gross wages that a member would be paid per week based upon the rate of pay used to calculate the lump sum amounts paid to a member on account of accrued vacation and sick time upon his or her termination of employment.
- (3) A "*break-in-service*" results from any absence, without pay, which lasts more than ninety (90) consecutive days, unless:
- a. The break-in-service is longer than the period of the employee's prior service, and the member applies for, and is granted, a leave of absence, by the Hartford Court of Common Council;
- b. The break-in-service is equal to or less than the period of the employee's prior service, and the member applies for, and is granted, a leave of absence by the Pension Commission, provided that an employee whose request for a leave of absence has been denied by the Pension Commission shall have the right, within thirty (30) days of the denial, to apply to the Court of Common Council, which shall make a de novo determination of the employee's request for a leave of absence;
- c. The absence is caused by a disability that routinely requires the regular attendance of a physician;
- d. The member was receiving weekly payments representing income replacement under the Worker's Compensation Act during the period of absence; or
- e. The absence resulted from the member's provision of qualified USERRA service as defined in section 2A-7(a), and, after completing that service, the member returned immediately to city, library or board employment.
- (4) "*Continuous service*" shall refer to any period of actual service that is not interrupted by a break-in-service.
- (5) "*Creditable accrued sick time*" shall mean that period of time commencing with the member's effective date of retirement, for which such member would continue to receive his or her basic weekly pay if such member were to receive amounts paid thereto for accrued sick time upon his or her termination of employment on a weekly basis, as opposed to in a lump sum, without regard to whether any days in such time period are or have been designated holidays for active employees.
- (6) "*Creditable accrued vacation time*" shall mean that period of time between the day following a member's last day of work and the date upon which such member's last day of work would have occurred had such member remained an active employee and received payments for his or her accrued vacation on a weekly basis, as opposed to a lump sum basis, both dates inclusive.
- (7) "*Creditable accrued vacation and sick time*" shall mean the sum of a member's

creditable accrued vacation time and creditable accrued sick time.

- (8) "*Creditable actual service*" shall include all actual service except: (1) periods of qualified USERRA service for which the member has not purchased or received USERRA credit pursuant to section 2A-7(d); and (2) periods of absence in excess of ninety (90) days, even if such absences do not constitute a break in service for purposes of determining continuity of service, if during such absence the member was receiving neither weekly payments representing income replacement under the Workers' Compensation Act nor earnings from which employee contributions are properly deducted pursuant to the provisions of this chapter.
- (9) A member's "*date of retirement*" shall be established by an application signed by both the member's appointing officer and either the mayor (or his or her designee), or the superintendent of schools (or his or her designee) for employees of the board of education. Payment of a member's retirement allowance shall be subject to the approval of the pension commission as to the member's eligibility and the amount of his or her allowance.
- (10) *Employee references.* For purposes of this chapter, the following terms shall be utilized in referencing employees.
- a. "*NBU-GG employees*" shall refer to those nonbargaining unit general government employees of the city who are not: (a) sworn police officers or firefighters, (b) board employees, or (c) library employees[, who are members of the fund.]
 1. "*Pre-2011 NBU-GG employees*" shall refer to those NBU-GG employees whose initial date of hire with the City is before January 1, 2011, who are members of the fund.
 2. "*Post-2011 NBU-GG employees*" shall refer to those NBU-GG employees whose initial date of hire with the City is on or after January 1, 2011, but before September 11, 2017, who are members of the fund.
 3. "*Post-2017 NBU-GG employees*" shall refer to those NBU-GG employees whose initial date of hire with the City is on or after July 1, 2017, who shall not be eligible to be members of the fund.
 - b. "*CWA employees*" shall refer to those employee members of the fund who are represented for collective bargaining purposes by the Communication Workers of America.
 - c. "*CHPEA employees*" shall refer to those employee members of the fund who are represented for collective bargaining purposes by the City of Hartford Professional Employees' Association.
 1. "*Pre-1997 CHPEA employees*" shall refer to those CHPEA employees who were hired into the CHPEA bargaining unit before October 1, 1997.
 2. "*Post-1997 CHPEA employees*" shall refer to those CHPEA employees hired into the bargaining unit on or after October 1, 1997 but before June 23, 2003.
 3. "*2003 CHPEA employees*" shall refer to those CHPEA employees whose initial date of employment with the city is on or after June 23, 2003.
 - d. "*HMEA employees*" shall refer to those employee members of the fund who are represented for collective bargaining purposes by the Hartford Municipal Employees' Association ("HMEA").
 1. "*Post-2003 HMEA employees*" shall refer to those HMEA employees whose

initial date of hire with the city is on or after July 1, 2003.

2. *"Pre-2003 HMEA employees"* shall refer to those HMEA employees whose initial date of hire with the city is before July 1, 2003.
3. *"ISD HMEA employees"* shall refer to those members of the fund to whom all of the following criteria apply:
 - (i) Where HMEA employees, employed in the city's former Information Services Department ("ISD"), immediately prior to their layoff or retirement from city employment;
 - (ii) Whose job duties in the ISD were transferred to the city's Metro Hartford Information Services Department ("MHIS");
 - (iii) Were not offered comparable employment in MHIS within twenty-four (24) months following their layoff or retirement;
 - (iv) Whose last day worked with the city due to subsection (ii), above was between the dates of July 1, 2002 and May 30, 2003; and
 - (v) Are currently receiving a retirement allowance from the fund as of June 9, 2008, the date on which the court of common council adopted a resolution affirming the terms of a settlement agreement between HMEA and the city.
- e. *"MLA employees"* shall refer to those employee members of the fund who are represented for collective bargaining purposes by the City of Hartford Municipal Lawyers' Association.
- f. *"NBU-P/F employees"* shall refer to those employee members of the fund who are sworn police officers not represented for collective bargaining purposes by the Hartford Police Union and those employee members of the fund who are firefighters who are not represented for collective bargaining purposes by Local 760, International Association of Firefighters.
 1. *"Pre-1997 NBU-P/F employees"* shall refer to those NBU-P/F employees who were employed as sworn police officers or firefighters before December 31, 1996.
 2. *"Post-1997 NBU-P/F employees"* shall refer to those NBU-P/F employees who were employed as sworn police officers or firefighters on or after December 31, 1996 but before January 1, 2011.
 3. *"2011 NBU-P/F employees"* shall refer to those NBU-P/F employees whose initial date of hire with the City is on or after January 1, 2011.
- g. *"HPU sworn officers"* shall refer to those employee members of the Fund who are sworn police officers represented for collective bargaining purposes by the Hartford Police Union.
 1. *"Post-1999 HPU sworn officers"* shall refer to those HPU sworn officers hired after July 1, 1999.
 2. *"Pre-1999 HPU sworn officers"* shall refer to those HPU sworn officers hired on or before July 1, 1999.
- h. *"HPU non-sworn employees"* shall refer to those employee members of the Fund who are not sworn police officers but are represented for collective bargaining purposes by the Hartford Police Union.
- i. *"Local 760 employees"* shall refer to those employee members of the Fund who are

represented for collective bargaining purposes by Local 760, International Association of Firefighters.

1. " *Post-2003 Local 760 employees* " shall refer to those Local 760 employees hired into the bargaining unit on or after July 1, 2003.
 2. " *Pre-2003 Local 760 employees* " shall refer to those Local 760 employees hired into the bargaining unit before July 1, 2003.
 - j. " *SCGA employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by the School Crossing Guards' Association.
 - k. " *NBU-HPL employees* " shall refer to those nonbargaining unit employees of the library who are members of the fund.
 - l. " *Local 1716-HPL employees* " shall refer to those employees of the library who are represented for collective bargaining purposes by Local 1716 who are members of the fund.
 - m. " *NBU-BOE employees* " shall refer to those nonbargaining unit employees of the board who are members of the fund.
 - n. " *Local 78 employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 78, Hartford Schools Support Supervisors.
 - o. " *Local 82 employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 82, Hartford Education Support Personnel.
 - p. " *Local 818 employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 818, Building and Grounds Supervisors.
 - q. " *Local 1018A/B employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 1018A/B, Hartford Federation of School Health Professionals who are members of the fund.
 - r. " *Local 1018C employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 1018C, Hartford Federation of School Secretaries.
 - s. " *Local 1018D employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 1018D, Hartford Federation of Corridor Supervisors.
 - t. " *Local 2221 employees* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 2221, Hartford Federation of Paraprofessionals.
 - u. " *HFCDA-BOE* " shall refer to those employee members of the fund who are represented for collective bargaining purposes by Local 1018F, AFT, AFL-CIO.
- (11) A member's " *effective date of retirement* " shall be the day after the period of time following such member's last day of work which is equal to his or her creditable accrued vacation time.
- (12) A member's " *final average pay* " shall be based upon his or her gross earnings only to the extent that: (1) the provisions of this chapter specifically provide for his or her final average pay to be calculated in that manner; and (2) such final average pay is calculated

in accordance with subsection (14). Unless, and then only to the extent, this chapter provides that a member's final average pay is to be based upon his or her gross earnings over a stated period of time, a member's final average pay shall not include any amounts paid to such member upon or by reason of his or her termination of employment either for accrued sick time or as a severance payment.

(13) The "*final average pay period*" for each member shall mean those total number of such member's final years of service from which some subset thereof is to be used for purposes of determining such member's final average pay. Thus, for example, if a member is entitled to have his or her pension benefit calculated on the basis of his or her highest two (2) of his or her last five (5) years of gross earnings, then such member's final average pay period is such five (5) year period. Except as otherwise provided in subsection (14) below, a member's final average pay period shall end on the day prior to his or her effective date of retirement.

(14) Commencing on August 1, 1993, a member's "*gross earnings*" with respect to any year of service shall mean and include all amounts payable by the city directly to such member for services rendered by such member to the city (including, but not limited to, any and all of its agencies, commissions, boards, offices and departments) within such time period which amounts shall include, but not necessarily be limited to, such member's basic salary, payments for or in lieu of overtime, longevity pay, and retroactive pay increases, as and to the extent each is attributable to such services, but, except as provided in this subsection below, shall not include either any amounts paid for services rendered in some other time period or any payments made to a member upon and by reason of his or her termination of employment (including, but not limited to any and all severance payments and lump sum payments for accrued vacation and sick time).

Calculation of gross earnings. Commencing on August 1, 1993, any member whose final average pay is based upon his or her gross earnings over a stated period of time shall have his or her gross earnings adjusted to account for any lump sum payments made to such member for accrued vacation and sick time upon his or her termination of employment by, and only by, adjusting such member's final average pay period such that the last day of that period corresponds to what such member's last day of work would have been had such member continued to work beyond his or her actual last day of work for that period of time equal to his or her creditable accrued vacation and sick time; providing however, that nothing herein shall be construed to permit or require the adjustment of the length of time included within a member's final average pay period. Thus, expressed as a formula, and subject to the foregoing provisos, a member whose final average pay is based on gross earnings shall have his or her final average pay period adjusted as follows:

Last day of final average pay period	=	Last day of work	+	Creditable accrued vacation and sick time
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(15) Commencing on August 1, 1993, a member's "*last day of work*" prior to retirement shall be that date designated by the city as the last day on which he or she was expected to provide services to the city, which, in any case, shall not include any period of time that an employee is carried on the city's books and records as an employee to account for the lump sum payment of accrued vacation time to such member in connection with his or her termination of employment with the city. A member's bona fide absence from

work on any date under and in accordance with the city's personnel rules and/or such member's collective bargaining agreement, as applicable, shall not be considered a basis for determining that such member was not expected to provide services to the city on such date.

(16) " *Member* " shall mean an individual who, by virtue of his or her employment with the city, library or board:

- a. Is, or was, eligible to participate in the fund;
- b. Has in fact participated in the fund by satisfying applicable employee contributions; and
- c. Is either: (1) receiving an allowance provided hereunder; (2) eligible to receive an allowance provided hereunder at some future date certain; (3) continuing to provide employee contributions to the fund as provided hereunder; or (4) no longer providing employee contributions but has not withdrawn such contributions pursuant to the terms hereof.

(17) " *Qualified surviving spouse* " shall mean the surviving spouse of a member who shall have been married to the member prior to his or her retirement, which, for purposes of this definition only, shall be deemed to mean the date of termination of active employment, including any service attributable to creditable accrued vacation time.

(18) " 401(a) Plan Participants " shall refer to all Post-2017 NBU-GG employees who elect to contribute to the City's 401(a) plan, pursuant to Section 2A-46.

NEW) Section 2A-45. – Section 401(a) Plan Established

There is hereby established a City of Hartford Section 401(a) Defined Contribution Plan ("401(a) Plan"). Post-2017 NBU-GG employees are not eligible to be members of the MERF, but may, upon hire, elect to participate in the City's 401(a) plan.

(NEW) Section 2A-46. – Contributions

(a) Internal Revenue Code Section 414(h) Pick-up Contributions. The 401(a) Plan will contain a pick-up contribution provision as defined under section 414(h) of the Internal Revenue Code subject to and in accordance with the terms set forth in this subsection. The purpose of this provision is to enable pick-up contributions to the plan to be made in such a manner that the value of such contributions are neither subject to the payment of federal income taxes until such contributions are distributed to such employees, nor withholding of such taxes when such contributions are made to the extent permitted by the Internal Revenue Code. The pick-up contributions of those members who are expressly identified as "401(a) Plan Participants" shall be governed by subsections (a) and (b) of this section.

a. Post-2017 NBU-GG employees shall elect, within thirty days of the date of hire whether to:

- a. make a one-time irrevocable election to not participate in the 401(a) Plan; or
- b. elect for the City to make pick-up contributions in an amount which must be a

minimum of three percent (3.0%) of the 401(a) Plan Participant's base rate of pay ("Pay"). The election to participate and the percentage amount of pick-up contributions, if applicable, is irrevocable and cannot thereafter be changed during the term of that individual's employment as a NBU-GG employee.

- b. The city shall pick up and deposit to the 401(a) Plan all 401(a) Plan Participants' pick-up contributions, as elected by the 401(a) Plan Participant, in accordance with paragraph (i) of this subsection. Nothing herein shall relieve any 401(a) Plan Participant from any obligation to make pick-up contributions to the 401(a) Plan, it being the intent and effect hereof instead, that the city shall deposit each 401(a) plan participant's pick-up contributions to the 401(a) Plan in lieu of such employee making such contributions.
- c. In consideration of the city picking up such pick-up contributions, 401(a) Plan Participants shall have their Pay reduced by an amount equal to the contributions so picked up by the city.

(b) City Contributions. The city shall pay on into the designated account, on an annual basis, an amount equal to the proportion of pay contributed by each 401(a) Plan Participant, provided that the city contribution shall not exceed seven percent (7.0%) of the base rate of pay the 401(a) Plan Participant.

(NEW) Section 2A-47. -- Vesting

- (a) A 401(a) Plan Participant's rights to and/or interests in the city contributions, as set forth in Section 2A-46 (b), vest upon completion of the following schedule of continuous years of service, regardless of age:

<u>Year one (1):</u>	<u>zero percent (0.0%)</u>
<u>Year two (2):</u>	<u>twenty percent (20.0%)</u>
<u>Year three (3):</u>	<u>fifty percent (50.0%)</u>
<u>Year four (4):</u>	<u>eighty percent (80.0%)</u>
<u>Year five (5):</u>	<u>one hundred percent (100.0%)</u>

This ordinance shall take effect upon adoption.

INTRODUCED BY:
Councilman James Sanchez

COURT OF COMMON COUNCIL
City of Hartford, April 23, 2018

WHEREAS, The City has recently accepted funds from the Connecticut Department of Economic and Community Development (DECD). These funds have been allocated to the Police Department's Capital City Crime Center (C4). A portion of these funds will allow the C4 to purchase two (2) unmanned aircraft systems (drones) that will be used to limit police pursuits, assist police in apprehending fleeing criminals, and provide both surveillance and traffic calming measures for large scale events such as, but not limited to, parades, marathons, and festivals; and

WHEREAS, Drones will help decrease City liability by reducing the need for police vehicles to be involved in police pursuits. Drones will also be capable of following ATVs and dirt bikes so that location information can be provided to officers in the area once the vehicle(s) have stopped and the operators can be detained safely; now, therefore, be it

RESOLVED, That not later than ninety days after the Court of Common Council of the City of Hartford's approval of this resolution, the Hartford Police Department shall adopt and maintain a written policy that shall be consistent with both Federal and State of Connecticut statutes, protections afforded under the United States Constitution and State of Connecticut Constitution, relevant case law, and National best practices. Such policy shall be designed to protect citizens' civil rights and their right to privacy. In the interest of transparency, this policy will be posted on the Police Department's web site for public viewing; and be it further

RESOLVED, That not later than ninety days after the Court of Common Council of the City of Hartford's adoption of this resolution, the Hartford Police Department shall promulgate an unmanned aerial vehicle incident report form, which shall include, but not be limited to: the flight time; the reason for the flight, the time, date, and location of the flight; the name of the supervisor approving the deployment as well as the staff assigned to the deployment; and a summary of the activities covered, actions taken, and outcomes from the deployment; and be it further

RESOLVED, That not later than January thirty-first of each year, the Hartford Police Department shall prepare an annual report summarizing the information contained in each unmanned aerial vehicle incident report form. This annual report shall be available not later than January thirty-first of each year; and be it further

RESOLVED, That the Court of Common Council approves the regulations governing the use of unmanned aerial vehicles by the Hartford Police Department in accordance with the processes recommended by this resolution.

Introduced
by:

Councilman Thomas J. Clarke II

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, SECTION 850 OF THE
HARTFORD MUNICIPAL CODE

COUNCIL,

COURT OF COMMON

CITY OF HARTFORD

Date July 9, 2018

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter Two, Article VIII of the Municipal Code be amended by changing Section 2-850 as follows:

Sec. 2-850. - Residency requirements.

(A) All council and Mayor appointees and Unclassified Employees employed by the City, shall maintain a continuous residence in the City during the period of such appointment or employment. This section shall not apply to new employees or appointees during the first six (6) months of such employment or appointment. If such individual ceases to be a bona fide resident of the City once the residency has been established or fails to become a bona fide resident within six (6) months of the appointment or employment, the Council shall, by a vote of seven (7) members, send notice to the mayor that pursuant to the provisions of Chapter V, section 3(c) of the Hartford Charter, the office or position of the individual who has failed to remain a bona fide resident of Hartford shall thereupon become vacant, and such appointment or employment shall terminate.

(B) Definitions.

"Bona fide resident" is defined as [(1) An employee] a person who has a [Hartford] mailing address which is a street address in Hartford, not [. A] a post office address; [does not qualify as a bona fide Hartford address;] is. [(2) Be] a registered Hartford voter; and [(3) I]if the [employee] person owns a motor vehicle, has registered said motor vehicle [must be registered] at an address in the City of Hartford.

"Residence" is defined as the actual principal residence of the person, where he or she normally and usually eats and sleeps and maintains his or her normal personal household effects.

[(B)C] The provisions of subsections (A) and (B) above shall not apply to individuals who were employees and appointees at the time of the effective date of this section.

(D) The Department of Human Resources shall be responsible for determining and verifying the residence of employees.

This ordinance shall take effect upon adoption.

by:

THOMAS J. CLARKE II, COUNCILMAN

ITEM#

8

ON AGENDA

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 4,
SECTION 2-352¹ OF THE HARTFORD MUNICIPAL CODE

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

February 13, 2018

Be It Ordered by the Court of Common Council of the City of Hartford:

That Chapter 2, Article VI, Division 4, Section 2-352, of the Municipal Code of the City of Hartford be amended as follows:

Sec. 2-352. - Compensation for nonunion and unclassified executive service classification.

(A) That there be a new nonunion and unclassified executive service, including elected officials, classification and compensation plan that is authorized under City Charter Chapters IV, V, and VII and new nonunion compensation plan for specified administrative series and public safety series classifications.

(B) The classification and compensation plans have been developed to expand the salary structure and ranges to accommodate future increments that may be necessary to recognize accomplishment, growth, recruitment and/or retention of qualified individual for these positions.

(C) The compensation plan has been expanded to include four (4) additional classifications: Chief Information officer, director of emergency services and telecommunications, director of families, children, youth, and recreation and the City Treasurer.

(D) Effective July 1, 2018, the positions of Fire Chief, Police Chief and City Treasurer shall be paid the same annual rate of pay, which rate shall be fixed and included in the annual budget as approved by the Court of Common Council.

Ordinance shall take effect upon adoption.

HEADING
AND
PURPOSE

Minority Leader Wildaliz Bermudez

AN ORDINANCE AMENDING CHAPTER 29 OF THE HARTFORD MUNICIPAL CODE.

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

January 22, 2018

Be It Hereby Ordained by the Court of Common Council of the City of Hartford:

That Chapter 29, Article I of the Municipal Code of the city of Hartford be amended, adding Section 29-18, as follows:

Section 29-18. Use of unmanned aerial vehicles by the Hartford department of police.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

Law enforcement officer means a member of the Hartford department of police, as described in section 29-1.

Unmanned aerial vehicle means any contrivance used or designed for navigation of or flight in air that is power-driven and operated without the possibility of direct human intervention from within or on the contrivance.

- (b) Except as provided in subsections (c) and (d) of this act or otherwise provided by law, no person, except a person performing his or her duties as a law enforcement officer, shall operate or use any computer software or other technology, including, but not limited to, an unmanned aerial vehicle, that allows a person, when not physically present, to release tear gas or any like or similar deleterious agent or to remotely control a deadly weapon, as defined in Chapter 950 Sec. 53a-3 of the general statutes, or an explosive or incendiary device, as defined in Chapter 943 Sec. 53-206b of the general statutes. Any person who violates this subsection may be issued a municipal citation. A person who is issued a citation shall be subject to a fine of one thousand dollars (\$ 1,000). Any person issued a citation for violating this subsection may within ten (10) days of receipt of the citation, appeal in writing to a citation hearing officer in accordance with section 1-5. This subsection shall be enforced by the Hartford chief of police.
- (c) No person who, as part of his or her duties as a law enforcement officer, operates an unmanned aerial vehicle, shall operate any such vehicle if such vehicle is equipped with tear gas or any like or similar deleterious agent or a deadly weapon, as defined in Chapter 950 Sec. 53a-3 of the Connecticut General Statutes, including, but not limited to, any explosive or incendiary device, as defined in Chapter 943 Sec. 53-206b of the Connecticut General Statutes. The provisions of this subsection shall not apply to a person who, as part of his or her duties as a law enforcement officer, operates an unmanned aerial vehicle that is equipped with explosive detection, detonation or disposal equipment, provided such law enforcement officer is authorized by the federal or state government to detect, detonate and dispose of explosives and is engaged in

such detection, detonation or disposal.

(d) No law enforcement officer shall operate an unmanned aerial vehicle, unless:

(1) A judge of the Superior Court or judge trial referee has issued a warrant in accordance with Chapter 959 Sec. 54-33a of the Connecticut General Statutes authorizing the use of an unmanned aerial vehicle;

(2) The individual who will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation, provided such individual is on property that is not owned or operated by a governmental entity that is open for public use, including, but not limited to, parks, streets or sidewalks;

(3) The owner of the property that will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation;

(4) The law enforcement officer has probable cause to believe that a criminal offense has been, is being or will be committed and exigent circumstances exist that make it unreasonable for the law enforcement officer to obtain a warrant authorizing the use of an unmanned aerial vehicle;

(5) The operation is pursuant to training activities conducted by the law enforcement officer while on land owned or leased by the federal or state government and does not occur in an area that is substantially populated; or

(6) The operation is used to reconstruct or document a specific crime or accident scene.

(e) An individual or privately owned property shall be considered to be the subject of information collected by the operation of an unmanned aerial vehicle if the information allows the identity of the person or the privately owned property to be ascertained or if the law enforcement officer operating the unmanned aerial vehicle acknowledges such individual or such property was the subject of the information.

(f) Information that was collected through the operation of an unmanned aerial vehicle that concerns an individual or privately owned property that was the subject of a warrant may be retained pursuant to the warrant.

(g) Information that was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (2) or (3) of subsection (d) of this section that concerns an individual or privately owned property may be retained pursuant to the terms specified in such advance written consent.

(h) (1) Information that was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (4), (5) or (6) of subsection (d) of this section that concerns an individual or privately owned property shall be reviewed by the Hartford department of police not later than thirty days from the date of collection. The collected information shall be destroyed or modified pursuant to subdivision (2) of this subsection or retained pursuant to subdivision (3) of this subsection.

(2) If such information allows the identity of an individual or privately owned property to be ascertained and there is no probable cause to believe that an offense was committed by the individual or on the property, the Hartford department of police (A) shall destroy such information not later than forty-eight hours after such review, or (B) shall permanently modify such information so that the identity of such individual or such property cannot be ascertained, and, after such modification, may retain the modified information for a period of not more than five years from the date of

collection and, after such retention, shall destroy the modified information.

(3) If such information allows the identity of an individual or privately owned property to be ascertained and there is probable cause to believe that an offense was committed by the individual or on the property, the Hartford department of police may retain such information for a period of not more than five years from the date of collection and, after such retention, shall destroy such information, except that, if a warrant is issued in accordance with Chapter 959 Sec. 54-33a of the Connecticut General Statutes of the general statutes based in part on such information, such information may be retained pursuant to the warrant.

(4) No information subject to the provisions of this subsection that is not destroyed, modified or retained in accordance with subdivision (2) or (3) of this subsection, shall be admitted into evidence or otherwise considered by any court or agency, body or committee of this state or any political subdivision thereof.

(i) (1) Not later than ninety days after the Court of Common Council of the City of Hartford's adoption of this section, the Hartford department of police shall adopt and maintain a written policy that meets or exceeds the policies set forth in this section.

(2) Not later than ninety days after the Court of Common Council of the City of Hartford's adoption of this section, the Hartford department of police shall promulgate an unmanned aerial vehicle incident report form, which shall include, but not be limited to, the collection of the following data: (1) The date the unmanned aerial vehicle was operated, (2) the type of such operation as categorized in the policy adopted pursuant to subsection (i) of this section, (3) the zip code or zip codes where the unmanned aerial vehicle was operated, (4) whether the unmanned aerial vehicle was operated pursuant to a warrant, (5) whether a property owner gave advance written consent to such operation, (6) whether the type of information collected through the operation of the unmanned aerial vehicle provided reasonable and articulable suspicion that a criminal offense was being committed, and (7) whether an arrest or arrests were made. The unmanned aerial vehicle incident report shall be completed each time an unmanned aerial vehicle is used by a law enforcement officer.

(j) Not later than January thirty-first of each year, the Hartford department of police shall prepare a report that includes, but need not be limited to: (1) The number of times the Hartford department of police operated an unmanned aerial vehicle in the preceding calendar year, (2) the type of such operation as categorized in the policy adopted pursuant to subsection (i) of this section, (3) the zip code or zip codes where the unmanned aerial vehicle was operated, (4) whether the unmanned aerial vehicle was operated pursuant to a warrant, (5) whether a property owner gave advance written consent to such operation, (6) the number of times the type of information collected through the operation of an unmanned aerial vehicle provided reasonable and articulable suspicion that a criminal offense was being committed, and (7) the number of times an arrest was made during or after the operation of an unmanned aerial vehicle in direct response to the operation of an unmanned aerial vehicle by a law enforcement officer. The Hartford department of police shall make such report available on the Hartford department of police's Internet web site not later than January thirty-first of each year.

(k) The Hartford department of police shall make any application to acquire surveillance technology, including, but not limited to, unmanned aerial vehicles, or to acquire funds to purchase surveillance technology, including but not limited to, unmanned aerial vehicles, available for review by the Court of Common Council of the City of Hartford and the public no less than thirty days prior to a public hearing on such application.

Such applications shall include, but not be limited to, applications to acquire surveillance technology from the program authorized by Section 1033 of the National Defense Authorization Act of 1997, and for funds under the Edward Byrne Memorial Justice Assistance Grant program to acquire surveillance technology. The Court of Common Council of the City of Hartford shall hold such public hearing not fewer than thirty days prior to the department's submission of the application and shall provide legal notice, published at least once not less than two weeks prior to such hearing in a newspaper having general circulation in the City of Hartford, of such hearing. Approval of the application by the Court of Common Council of the City of Hartford is required prior to submission of the application.

Ordinance shall take effect upon adoption.

ITEM# 10 ON AGENDA

INTRODUCED BY:

Assistant Majority Leader John Q. Gale

COURT OF COMMON COUNCIL

City of Hartford, January 9, 2017

WHEREAS, John L. "Jack" Dollard (1929 — 2012), an architect, artist, and activist in Hartford for more than four decades, was a driving force behind many improvements to the City of Hartford; and,

WHEREAS, one of Mr. Dollard's great accomplishments was bringing the carousel to Bushnell Park and designing the building in which the carousel sits; and,

WHEREAS, the carousel continues to attract thousands of people from the City and the region, of all ages, races, and nationalities, together in downtown Hartford; and,

WHEREAS, the City of Hartford wishes to honor Mr. Dollard's memory and his unique achievement by naming the pavilion that adjoins the carousel building "The Dollard Pavilion"; and,

WHEREAS, this proposal has been approved by the directors of the Bushnell Park Foundation and the New England Carousel Museum, which together maintain and operate the carousel; and,

WHEREAS, the cost to create and maintain a commemorative plaque in the pavilion honoring Mr. Dollard shall be borne by private monies and kept in a fund managed by the Bushnell Park Foundation, such that the city incurs no financial liability in the naming, now and in perpetuity; and,

WHEREAS, the Hartford Department of Public Works shall provide final review and give final approval of the commemorative plaque and any signage in the city-owned building; now, be it

RESOLVED, that the pavilion which adjoins the carousel in Bushnell Park shall hereafter be officially known as The Dollard Pavilion in honor of this outstanding citizen.

ITEM # ~~ON~~ AGENDA



Luke A. Bronin
Mayor

October 9, 2018

Honorable Glendowlyn L.H. Thames, Council President, and
Members of the Court of Common Council
City of Hartford
550 Main Street
Hartford, CT 06103

RE: Amendment of Tree Ordinance

Dear Council President Thames:

Attached for your consideration is an ordinance amending Chapter 28, Article VI of the Hartford Municipal Code, known as the "Tree Ordinance".

In the seven years since Hartford's innovative tree ordinance was adopted, those working closely with the ordinance tracked and compiled ways to improve its implementation. In particular, the composition of the Tree Advisory Commission originally established in the ordinance made it difficult to achieve a quorum and also to encourage participation by people with special skills and knowledge that would inform the work of the Commission. Once the City adopted its new Zoning Regulations, additional amendments were identified to complement the new regulations. A new section was also added requiring public utilities to obtain a permit from the City Forester before performing any work that would cause injury to a City Tree.

Several interested stakeholders have been involved with efforts to draft this amended ordinance. The full ordinance and proposed revisions received reviewed by Commission members, the UConn School of Law, the Office of Corporation Counsel, the Planning and Zoning Commission, the Urban and Community Forester for the CT Department of Energy and Environmental Protection as well as other interested and knowledgeable individuals who often attend Tree Advisory Commission meetings. The Tree Commission, DPW leadership, Corporation Counsel's Office, and the Mayor's Office have approved the final amended version. City staff and members of the Tree Commission are available to assist you in your review of this matter.

Respectfully submitted,

Luke A. Bronin
Mayor

550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606

Introduced by:

Luke A. Bronin, Mayor

**HEADING
AND
PURPOSE**

**AN ORDINANCE AMENDING ARTICLE VI (the "TREE ORDINANCE") OF
CHAPTER 28 OF THE MUNICIPAL CODE OF HARTFORD**

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

October 9, 2018

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Article VI. – Tree Ordinance" of the Municipal Code be amended as follows.

ARTICLE VI. - TREE ORDINANCE

Sec. 28-151. - Generally.

This article shall be known and referred to as the "Tree Ordinance of the City of Hartford."

(Ord. No. 11-11, 3-28-11)

Sec. 28-152. - Purpose.

The City of Hartford is characterized by its rich heritage of trees. Hartford's Trees clean the air, calm traffic, increase property values, reduce storm water run-off, and otherwise enhance the quality of life. The goal of this [ordinance] Article is to maintain and grow Hartford's urban forest, maintain Trees in a healthy condition, protect existing Trees, and mitigate losses and damage to Hartford's Trees.

(Ord. No. 11-11, 3-28-11)

Sec. 28-153. - Findings.

In 2007, the City of Hartford, the Knox Parks Foundation, the Connecticut Department of Environmental Protection, and the United States Forestry Service conducted a survey of the [C]city of Hartford's Trees. This survey revealed that the [C]city has approximately four hundred fifty thousand (450,000) Trees that cover about twenty-six (26%) percent of the [C]city's landmass. That is almost four (4) Trees for each resident. Together, they remove two thousand four hundred (2,400) tons of carbon and seventy-three (73) tons of other pollutants from the air each year. Because Hartford has the highest asthma rate in the state, the fact that the removed pollutants include thirty-seven (37) tons of particulate matter, a major asthma trigger, is especially important. Cooling provided by the Trees reduces energy use in the [C]city by one thousand eight hundred (1,800) megawatt hours each year. The estimated replacement value of

these Trees is about five hundred ninety million dollars (\$590,000,000.00), an amount equal to about twenty-two (22%) percent of the gross value of the municipality's Real Property Grand List. The largest and oldest Trees, only twelve (12%) percent of the total number of Trees, provide fifty (50%) percent of the total tree canopy cover. Due to their age and vulnerability, it is clear that Hartford's urban forest is in jeopardy if these Trees are not maintained and more Trees are not planted each year.

(Ord. No. 11-11, 3-28-11)

Sec. 28-154. - Definitions.

Terms used in this Article shall be construed as follows, unless another meaning is expressed or is clearly apparent from the language or context:

Alter means to take action by removing branches or by filling, surfacing, grading, compacting, channeling or changing the drainage pattern of the soil surrounding any Tree in a manner that threatens to diminish the vigor of the Tree. The term "alter" does not include normal seasonal pruning/shaping of a Tree necessary for normal growth.

Best Interest is a determination based on reviewing all relevant factors, including but not limited to the preservation of Trees, the impact on the streetscape, the maintenance of an effective Tree canopy, the importance of the particular Tree, the health of the Tree and its impact on safety and the overall impact that the loss of the Tree would have on the City's urban forest.

City Tree means a Public Tree [or a **Streetscape Tree,**] **and, depending on the relevant facts, may include a Streetscape Tree.**

Damage means to act in a manner to jeopardize a Tree's health or cause its appearance to be defaced. Actions that constitute damage include, but are not limited to: posting bills; hanging streamers and/or decorations; driving any objects into a Tree; carving the bark of a Tree; digging/excavating/paving **and/or parking a motor vehicle** within the Drip Line in a way that impacts the root system; painting a Tree; setting fire to a Tree; or allowing harmful substances to come in contact with a Tree.

DBH (diameter at breast height) means the diameter of a Tree at fifty-four (54) inches above grade as indicated by the United States Forest Service method.

Drip Line means a conceptual line along the ground that conforms to the perimeter of the crown of the Tree and projects vertically to the ground.

Grove means a grouping of ten (10) or more Trees, as defined in this Section, located on one quarter (1/4) acre or less.

Hazardous Tree means a tree that is likely to create hazardous conditions on roadways or sidewalks or to cause imminent damage to public property, private property or utility wires.

Legacy Tree means any Tree as determined by the Tree Advisory Commission to be of unique and intrinsic value to the general public because of its size, age, historic association, ecological importance or aesthetic value.

Master Tree Plan means a document prepared by the Tree Advisory Commission pursuant to section 28-156, [that shall establish direction for the City's urban forestry program and shall include targets for Tree canopy cover and Tree diversity. It shall also reference standards for safety in Tree care operations, for Tree planting, and for Tree maintenance. It shall also include guidelines for specifications relating to Trees and Tree care and for contract Tree work. In addition, the Master Tree Plan shall outline a broad program for the improvement of the urban forest that may include recommendations for urban forestry activities in specific neighborhoods, along specific streets, and in areas of the City such as Historic Districts. The Master Tree Plan shall also include a plan for management of City-owned woodlands, such as those that exist in City parks. The Master Tree Plan shall be integrative with other City plans and activities. The Master Tree Plan shall incorporate the most recent Tree inventory as conducted by the City Forester and may, at the discretion of the Tree Advisory Commission, include additional studies of the urban forest.]

Public Place means any space owned and/or controlled by the City of Hartford, including but not limited to property operated or controlled by the Hartford Board of Education, by the Hartford Housing Authority and any space in a City park.

Public Tree means any Tree in a public place.

Public Utility, or language of similar import, means "Public service company" as defined in Section 16-1 (a) (3) of the Connecticut General Statutes, as the same may be amended from time to time.

Remove means to cut down a tree or to take any other action that will cause a Tree to die within a two-year period.

Right-of-way means the area owned and/or controlled by the City of Hartford that abuts any City street, and as may be more particularly described in, among other places, [as shown in] the City of Hartford's Engineering Division street line maps.

Streetscape Tree means any Tree on private and/or public property with a base that originates, in whole or in part, in the right-of-way, or originates [or] not more than five (5) feet from the right-of-way, and, in the sole and absolute judgment and/or discretion of the City Forester, serves as part of the tree line of a street. [Tree originates in the right-of-way if a vertical line from the part of the trunk nearest to the street at a height of fifty-four (54) inches is within the right-of-way.]

Streetscape Tree Inventory means a recording of the size, condition, location, and species of all Streetscape Trees and of all planting locations without a Tree that could reasonably accommodate a Streetscape Tree.

Super Hazardous Tree is an otherwise Hazardous Tree which has been ordered removed by the City Forester or other assigns of the City of Hartford on an emergency basis because it represents so immediate a hazard to public safety that removal cannot be deferred and the structure cannot be protected, secured, or stabilized by reasonable measures specified by the City Forester. [This Article shall not apply to any alteration or pruning that has been ordered by the City Forester or other assigns of the City of Hartford on an emergency basis because the condition represents so immediate a hazard to public safety or structure integrity that alteration cannot be deferred and that such Super Hazardous Tree cannot to protected, secured, or stabilized by reasonable temporary measures specified by the City Forester.]

Tree means any living woody, self-supporting plant that has a defined stem(s) with a DBH of at least two (2) inches using the United States Forest Service method of determination.

[*Tree Inventory* means at a minimum a recording of the size, condition, location, and species of all Streetscape Trees and of all planting locations without a Tree that could reasonably accommodate a Streetscape Tree. A Tree Inventory may also include a description of the Tree canopy and a description of the extent and condition of Trees in the City, including those on private property, in parks, and other public areas.]

(Ord. No. 11-11, 3-28-11)

§ 28-155 - City Forester, roles and responsibilities.

(a) The Director of Public Works, in accordance with the provisions of Sections 26-11₂ ~~and 26-12~~ and 26-13 of this Municipal Code shall, appoint a City Forester.

(b) The City Forester shall₁ in general₂ act under the direction of the Director of Public Works₃ in reference to the duties placed upon the Department of Parks and Recreation by Sections 26-11₂ and 26-12₂ and 26-13 of this Municipal Code and shall perform such other special duties in reference to Trees, shrubs or vines in highways, public parks and public grounds as may be required of him or her by such Director under the provisions of the Charter and ordinances of the City and the laws of the state.

(c) In particular, the City Forester shall have the rights, powers and responsibilities of a Tree Warden as defined in Section 23-59 of the Connecticut General Statutes.

(d) The City Forester shall also be advised by the Tree Advisory Commission established in Article VI of this Chapter and shall attend all meetings of the Tree Advisory Commission.

(e) The City Forester, or his or her designee, shall have the right to determine whether any specific plant be considered a Tree or shrub and whether a Tree is a H[~~1~~azardous Tree or a Super Hazardous Tree, and is hereby authorized to remove or prune the same in accordance with Section 23-59 of the Connecticut General Statutes. He or she shall also have the right to determine the dollar value of any Tree for the purpose of assessment.

(f) [(b) Within one hundred eighty (180) days of the effective date of this ordinance,]

T[t]he City Forester shall conduct or cause to be conducted [a Tree Inventory] an

assessment of the Tree canopy of Hartford, which may include a description of the Tree canopy and a description of the extent and condition of Trees in Hartford, including those on private property, in parks, and other public places. This assessment of the Tree canopy may include a Streetscape Tree Inventory. When completed, the aforementioned assessment of the Tree canopy [the inventory] shall be available to the public and shall be updated at least [no less than]-every ten (10) years.

(g) [(c)] The City Forester shall have the authority to issue citations for violations of this article.

(h) [(d)] The City Forester shall [approve Tree plans for new construction before they are approved by the Planning and Zoning Commission.] review plans for Trees associated with zoning permits submitted to the Planning and Zoning Commission, upon receipt of such plans, and shall advise Commission on such plans, in accordance with the Hartford Zoning Regulations.

(i) [(e)] Removal of a City Tree shall be permitted only if authorized by the City Forester or his[] or her designee; and only if removal is performed in accordance with Section 23-59 of the Connecticut General Statutes.

(j) (f) The City Forester shall recommend a budget for expending the annually available funds in the Hartford Tree Account pursuant to Section 28-164 of this article.

(k) (g) The City Forester shall assure that a copy of the alphabetical street list of City rights-of-way or other reference by which this information is named, as maintained by the City of Hartford Engineering Division of the Department of Public Works, is placed on the City's website so as to be easily accessible to property owners and other members of the public.

(Ord. No. 11-11, 3-28-11)

§ 28-156 - Tree Advisory Commission

(a) There is hereby created a Tree Advisory Commission, which shall consist of up to five (5) non-voting ex officio members and [five (5)] up to seven (7) voting members appointed by the Mayor and approved by the Court of Common Council.

(b) The ex officio members shall ~~{be}~~ include: the City Forester; the chair of the Parks and Recreation Advisory Commission, or his or her designee; the chair of the Public Works, Parks, and Environment Committee of the Court of Common Council, or his or her designee; [the City Planner] the Director of Planning, or his or her designee; and the Head of Buildings and Grounds for the Hartford Board of Education, or his or her designee.

(c) The appointed members shall include up to [two (2)] three (3) persons, who may or may not be Hartford residents, with established professional competence in a pertinent discipline, such as certified arborists, ornamental horticulturists, and landscape architects and designers, or with a technical background in a related field, and up to [three (3)] four (4) Hartford residents selected for their interest in the condition of Hartford's urban forest. [The City Forester shall be a non-voting member.]

(d) [(b)] The Commission shall meet as needed to diligently conduct its business and shall hold regular meetings no less often than once per quarter. A quorum shall be a majority of the voting members.

(e) [(c)] Members shall serve without compensation. [Two (2) members will be designated by the Mayor to serve a three-year term, two (2) members to serve a two-year term and one (1) member to serve a one-year term. After initial appointments, a] All members shall be appointed for three (3) year terms, except that appointments to fill vacancies shall be for unexpired terms only. Members shall serve in their positions until a replacement is appointed.

(f) [(d)] The duties of the Commission shall include but shall not be limited to: advising the City Forester, the Court of Common Council, and the Mayor on Tree-related issues in the City and promoting awareness of Tree care, Hartford's arboreal heritage, and the benefits of an urban forest.

(g) (e) The Commission shall develop and adopt a Master Tree Plan [within eighteen (18) months of the Commission's first meeting]. The Master Tree Plan shall establish direction for the City's urban forestry program and shall include targets for Tree canopy cover and Tree diversity. It may also reference standards for Tree planting and Tree maintenance. It may also include guidelines for specifications relating to Trees and Tree care and for contract Tree work. In addition, the Master Tree Plan may outline a broad program for the improvement of the urban forest that may include recommendations for urban forestry activities in specific neighborhoods, along specific streets, and in areas of the City such as Historic Districts. The Master Tree Plan may also include a plan for management of City-owned woodlands, such as those that exist in City parks. The Master Tree Plan may be integrative with other City plans and activities. The Master Tree Plan shall incorporate the most recent Tree inventory as conducted by the City Forester and may, at the discretion of the Tree Advisory Commission, include additional studies of the urban forest. The Commission shall review the Master Tree Plan at least every five (5) years and shall amend it as needed. The Master Tree Plan may [shall] be consulted by all City Departments subject to the Master Tree Plan in the course of conducting City business.

(h) [(f)] The Commission may [shall] create an annual "State of the Forest" report about what has occurred in the City's Tree Inventory and urban forest and shall also prepare recommendations of policy and action for the next year. This report may also identify priority locations for planting, so that the City's Tree planting will address any arboreal inequities and will give priority to filling in gaps resulting from the absence of Streetscape Trees. The Commission shall present this report to the Mayor and Court of Common Council for their review and response.

(i) [(g)] The Commission shall hear and, by majority vote of those present and voting, decide appeals from certain actions or decisions of the City Forester [pursuant to Sections 28-159 and 28-160 of this article]. Within forty-five (45) days of the postmarked date of the City Forester's stop work order or written decision for any permit contemplated in this Article, an affected person may appeal the decision of the City Forester to the Tree Advisory Commission by filing with the City Forester a written petition requesting a hearing before the Tree Advisory Commission and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Tree Advisory Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such decision should be overturned. Other parties may be allowed to speak about the petition, at the discretion of the Tree Advisory Commission. After reviewing any spoken testimony or written evidence, the Tree Advisory Commission shall determine whether the decision is in the best

interest of the City's urban forest and shall notify the applicant of the Commission's decision either at the hearing or by first-class mail within forty-five (45) days of the conclusion of the hearing.

(Ord. No. 11-11, 3-28-11)

Sec. 28-157. - Legacy Tree Program.

(a) The Tree Advisory Commission shall establish a Legacy Tree Program in order to catalog Legacy Trees in [the City of] Hartford. The public shall be encouraged to give input to the Commission about which Trees should be included in the catalog.

(b) The City Forester shall keep a record of all Trees designated as Legacy Trees and their locations.

(c) ~~[(b)]~~ The Commission shall also select a "City Tree" every three (3) years. This Tree shall be selected due to its uniqueness, age, historical significance, or other distinguishing characteristics.

(Ord. No. 11-11, 3-28-11)

Sec. 28-158. - Planting trees in public places.

(a) To contribute to the urban forest of Hartford, members of the public shall be encouraged to [plant Trees in public places in the City] support the planting of Trees in public places and in areas which fill in gaps in the Tree line in or near the right-of-way, as long as they follow the procedures outlined in this Article.

(b) [Any organization or person wishing to plant a Tree in a Public Place or a right-of-way must submit to the City Forester the location, species, and size of the proposed Tree(s) and must obtain a permit from the City Forester or his/her designee prior to planting.] Except for the planting of Trees resulting from the granting of zoning permits by the Planning and Zoning Commission, no organization or person shall plant a Tree in a public place or a right-of-way without first obtaining the written permission of the City Forester or his/her designee.

(c) Once such a Tree is planted in a public place or right-of-way, the Tree shall become the property of the City of Hartford.

(d) No plaque or other commemorative object on, at, near or relating to any tree in any public place shall be permitted unless and until such plaque or other commemorative object has been approved by the process in Section 2-197 of this Municipal Code, as the same may be amended from time to time.

(Ord. No. 11-11, 3-28-11)

Sec. 28-159. - Altering or damaging [trees in a public place or right-of-way.] certain Trees.

(a) No person shall alter or damage a City Tree without a permit from the City Forester.

(b) ~~(a)~~ Any person wishing to ~~[A]lter or [D]amage~~ a City Tree [that is subject to subsection (a) of this Section] shall apply in writing for a permit to the City Forester prior to taking such action. There shall be a ten-dollar (\$10) processing fee, per City Tree, for each application to alter or damage a City Tree.

(c) After reviewing such application, [T]he City Forester shall determine whether such action is in the best interest of the City's urban forest and shall notify the applicant of the decision by first-class mail within [twenty (20) business days] forty-five (45) days of receiving a complete application.

(d) ~~[(b)-A]~~ An affected person may appeal the decision of the City Forester [within forty-five (45) days of the postmarked date of the City Forester's reply in writing to the Tree Advisory Commission.] regarding an application under this Section to the Tree Advisory Commission, pursuant to the procedure established in Section 28-156(i).

(e) ~~[(e)]~~ Any person who violates the provisions of this Section, including but not limited to altering or damaging a City Tree without a permit, shall be subject to a fine up to two hundred fifty dollars (\$250.00) per Tree, per violation. The City Forester or his or her designee shall have the authority to issue a citation for violations. All claims regarding citations shall be processed pursuant to Section 1-5 of the Municipal Code, as the same may be amended from time to time.

(f) It shall be an affirmative defense that it was necessary to [take action] alter or damage a Tree without a permit from the City Forester because a super hazard existed such that action was required due to the threat of imminent harm.

(g) This Article shall not apply to any alteration or damage that has been ordered by the City Forester or other officials of the City of Hartford on an emergency basis because the Tree is a Super Hazardous Tree that represents so immediate a hazard to public safety or structure integrity that alteration or damage cannot be deferred and that such Super Hazardous Tree cannot be protected, secured, or stabilized by reasonable temporary measures; or to any alteration or damage that has otherwise been properly noticed and authorized pursuant to Connecticut General Statutes section 23-59; or to any alteration or damage that has otherwise been permitted and/or authorized pursuant to the applicable provisions of Section 23-65 of the Connecticut General Statutes.

(Ord. No. 11-11, 3-28-11)

Sec. 28-160. - Tree removal.

(a) No person shall remove a City Tree, or a Tree on private property with a DBH of thirteen (13) inches or more, or a Grove of Trees without a permit from the City Forester, except the City Forester, who may remove a City Tree or a Tree pursuant to Connecticut General Statutes section 23-59, and except for any removal that has been permitted pursuant to the applicable provisions of Section 23-65 of the Connecticut General Statutes. To grant permission to any other person to remove a Tree, the City Forester must determine within forty-five (45) days of receiving a complete application that either (1) the tree is in poor health or diseased with an expected life span of less than 2 years; (2) the tree's removal is unavoidable because the tree poses a threat to human health, safety, and welfare, or (3) the negative impact on the urban canopy caused by the tree's removal can be mitigated.

(b) Any person wishing to remove a City Tree, Tree, or Grove that is subject to subsection (a) of this Section shall apply in writing for a permit to the City Forester. There shall be a ten dollar (\$10.00) per Tree processing fee for each permit application.

(c) After reviewing such application, [T]he City Forester shall determine whether ~~[R]~~removal of the City Tree, Tree, or Grove is in the best interest of the City's urban forest and shall notify

the applicant of the decision by first-class mail within [twenty (20)] forty-five (45) days of receiving the application.

[(c) There shall be a ten dollar (\$10.00) per Tree processing fee for each permit application.]

(d) An affected [A] person may appeal the decision of the City Forester regarding an application under this Section to the Tree Advisory Commission pursuant to the procedure established in Section 28-156(i). [Any person denied may be granted a hearing on the matter before the Tree Advisory Commission. Such person shall file with the City Forester a written petition requesting such hearing and setting forth a brief statement of the grounds therefore, within three (3) business days after the date notice was served. Upon receipt of such petition, the Tree Advisory Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such decision of denial should be overturned. After such hearing, the Tree Advisory Commission shall sustain or overturn the decision of the City Forester, Any and all rights of appeal shall be deemed abandoned if a petition for hearing is not filed with the City Forester within three (3) days after such notice of decision is served.]

(e) Any individual who removes a City Tree without a permit shall replace the Tree in accordance with Section 28-162 of this Article.

(f) It shall be an affirmative defense that it was necessary to remove a Tree without a permit from the City Forester because a super hazard existed such that action was required due to the threat of imminent harm.

(g) This Article shall not apply to any removal that has been ordered by the City Forester or other officials of the City of Hartford on an emergency basis because the Tree is a Super Hazardous Tree that represents so immediate a hazard to public safety or structure integrity that removal cannot be deferred and that such Super Hazardous Tree cannot be protected, secured, or stabilized by reasonable temporary measures; or to any removal that has otherwise been properly noticed and authorized pursuant to Connecticut General Statutes section 23-59; or to any removal that has otherwise been permitted pursuant to the applicable provisions of Section 23-65 of the Connecticut General Statutes.

(Ord. No. 11-11, 3-28-11)

§ 28-161. - Protection during construction.

(a) [All Trees on or near the grounds of any construction or excavation project shall be protected using] Property owners and other persons responsible for construction and excavation projects shall adhere to all relevant provisions of the latest edition of the American National Standards Institute, Inc., Standards for Tree Care Operations—Tree, Shrub, and other Woody Plant Maintenance—Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction) for the duration of the construction or excavation project. A copy of these standards shall be available to the public in the City Forester's office [and be made available to the public].

(b) The City Forester or his or her designee shall have the authority to issue a municipal citation to a property owner and other person responsible, in the amount of two hundred fifty dollars (\$250.00) per day, per Tree affected, for each instance of an action inconsistent with the tree care standards referred to in subsection (a) of this Section. All claims regarding citation shall be processed pursuant to Section 1-5 of the

Municipal Code, as the same may be amended from time to time. [Any person or entity found in violation of subsection (a) of this Section shall be subject to a fine up to two hundred fifty (\$250.00) per day that the violation persists. The City Forester or his or her designee shall have the authority to issue citations All claims regarding citation shall be processed pursuant to Section 1-5 of the Municipal Code.]

(c) Any person found in violation of subsection (a) of this Section for which the City Forester determines there is substantial danger of damage to a Tree or Grove shall post a five (5) year bond in the amount of the replacement value of such Tree or Grove. Such bond shall be forfeited if the City Forester determines that the Tree or Grove is dead or moribund within the five (5) year period.

(d) Replacement value for Trees or Groves damaged or killed through negligent construction practices may be determined in accordance with Section 28-162 of this Article.

(Ord. No. 11-11, 3-28-11)

Sec. 28-162. - Tree replacement.

(a) A property owner or other person responsible for replacement of a Tree pursuant to this Article shall follow the provisions of this Section. A property owner or other person responsible for the removal of any Tree with DBH of four (4) inches or more, whether public or private, may be required to replace such Tree, at the discretion of the City Forester, and if so, such person or persons shall also follow the provisions of this Section.

[If any person removes any Tree on private land with a DBH of thirteen (13) inches or more that is removed without a permit from the City Forester or any Tree on public land with a DBH of four (4) inches or more, regardless of permission, shall be replaced by the property owner or person responsible for removal. Trees with DBH of four (4) inches or more removed in the course of any development project, public or private, are also subject to replacement at the discretion of the City Forester.]

(b) The acceptable methods of replacement **for a Tree other than a Legacy Tree** are:

(1) Replacement of the Tree with a Tree of equal or greater DBH at the location of the Tree being replaced or at a different location identified or approved by the City Forester [and to be maintained for at least a period of two (2) years from the date of planting by the owner. The owner shall replace any tree that dies during this time period.];

(2) An inch-for-inch replacement of the Tree with a number of replacement Trees with DBH of two (2) inches or more totaling the DBH of the original Tree at a location or locations identified or approved by the City Forester. For example, if a Tree with a DBH of twenty-four (24) inches is removed, it may be replaced with six (6) Trees with DBHs of four (4) inches; **or**

(3) A payment to the Hartford Tree Account, established in Section 28-164 of this Article, in the amount of the Tree's assessed value. The assessed value shall be based on the recommendation of the City Forester using as reference the latest revision of The Guide for Plant Appraisal, as published by the International Society of Arboriculture, Urbana, Illinois.

(c) [If a Legacy Tree is removed without a permit it shall be replaced by Trees that are equivalent to four (4) times the Legacy Tree's assessed value.] **The acceptable method of replacement for a Legacy Tree is:**

(1) Replacement of the Legacy Tree with a number of replacement Trees with DBH of two (2) inches or more totaling four (4) times the DBH of the original Tree at a location or locations identified or approved by the City Forester; or

(2) A payment into the Hartford Tree Account of four (4) times the assessed value of the Legacy Tree.

(d) Any replacement Tree planted in accordance with this section must be maintained for at least a period of five (5) years from the date of planting by the responsible party. The responsible party, or the property owner if there is no responsible party, shall replace any Tree that dies during this time period, and such replacement Tree shall be maintained for at least a period of five (5) years from the date of planting by the responsible party.

[The siting of any replacement tree or trees shall require the approval of the City Forester.]

(Ord. No. 11-11, 3-28-11)

§ 28-163 - Planting requirement

(a) The City Forester shall review plans for Trees associated with zoning permits submitted to the Planning and Zoning Commission, upon receipt of such plans, and shall advise Commission on such plans, in accordance with the Hartford Zoning Regulations.

(b) Any activity that requires a zoning permit shall include Tree planting that complies with the Hartford Zoning Regulations. Variances to this requirement shall be submitted to the Zoning Board of Appeals in compliance with the Hartford Zoning Regulations.

(c) Any activity, such as an individual Tree planting or Tree removal, which does not require a zoning permit shall comply with applicable portions of the Hartford Zoning Regulations on excavation, installation, maintenance, species type, tree removal, spacing, and similar provisions. Variances from compliance for activities not requiring a zoning permit shall be submitted to the City Forester, who may allow persons to pay four hundred dollars (\$400.00) per instance of a Tree planted in a manner that does not comply with the applicable portions of the Hartford Zoning Regulations or best practices as determined by the City Forester, in exchange for granting the responsible party to proceed without such compliance. Any such payments collected shall be deposited in the Hartford Tree Account.

(d) All Tree planting permitted by a zoning permit or City Forester permit must be maintained for five (5) years from the conclusion of the permitted work.

(e) The City Forester or his or her designee shall have the authority to issue a municipal citation to a property owner and other person responsible, in the amount of two hundred fifty dollars (\$250.00) per day, per Tree affected, for each instance of an action inconsistent with this Section, including failure to maintain a Tree in accordance with a permit. Any such payments collected shall be deposited in the Hartford Tree Account.

(f) An affected person may appeal the decision of the City Forester regarding an application under Section 28-163(c) to the Tree Advisory Commission, pursuant to the procedure established in Section 28-156(i). For appeals of applications under Section 28-163(a), consult the Hartford Zoning Regulations.

[All new public and private development project plans shall include plans for Tree planting and protection. No such Tree development project plan may be approved by the Planning and Zoning Commission unless the plan for Tree planting and protection has first been approved by the City Forester.

(b) These public and private development project plans shall require the creation and maintenance of canopy coverage of at least fifty (50%) percent after fifteen (15) years over those areas of the site to be developed that will not have buildings on them.]

[(c) All new public and private parking lots shall develop plans for Tree planting that will create and maintain a canopy coverage of at least sixty-six (66%) percent after fifteen (15) years over the areas of the lot that do not have buildings on them. The City Forester may grant variances or exceptions to this rule for extenuating circumstances. In such a case, in lieu of planting new Trees, the City Forester may permit payment at the price of four hundred dollars (\$400.00) per Tree not included in the plan that would otherwise be necessary to achieve the desired canopy cover. The payment in lieu of planting shall be deposited to the Hartford Tree Account.]

[(d) Properties out of compliance with their planting plans may be charged eight hundred dollars (\$800.00) per Tree for each Tree not planted in accordance with the plan approved by the City Forester and Planning and Zoning Commission. This money shall be deposited in the Hartford Tree Account.]

[(e) A person may appeal the decision of the City Forester to the Tree Advisory Commission pursuant to the procedure established in Section 28-160(d).]

[(f) From time to time the Tree Advisory Commission and City Forester shall review the aforementioned fee structure and report any recommendations regarding changes to the fee structure to the Court of Common Council for approval.]

Sec. 28-164. - Hartford Tree Account.

(a) There is hereby established a Demand Deposit Account known as the Hartford Tree Account. Such Account is established under authority of the Connecticut General Statutes and pursuant to Section 2-484 for the exclusive purpose of funding activities that implement or promote the purposes of this Article, as expressed in Section 28-152.

(b) The principal of the Hartford Tree Account shall consist of the following:

(1) Up to five (5%) percent of the investment income from the Hartford Park's Trust Fund received on an annual basis;

(2) [All fines paid pursuant to Sections 28-159 and 28-161, all processing fees paid pursuant to Section 28-160, all payments made pursuant to Section 28-162 and all payments in lieu of planting made pursuant to Section 28-163;] **All fines, processing fees, payments in lieu of planting, and other monies collected pursuant to this Article;**

(3) All gifts and grants from any source, public or private, made to the City and designated for Trees or improvements to the urban forest;

(4) Any funds from any source designated by the Court of Common Council to be added to the Account; and

(5) All investment income earned by the Account.

(c) Expendable money in the Account may be spent for the purposes authorized by this Section upon recommendation of the Mayor and with the approval of the Court of Common Council. Expenditures may be made as follows:

(1) All moneys received by the Account under subsection (b)(2) of this Section shall be used only for the purchase and planting of Trees.

(2) Any restricted moneys received by the Account shall be expended in accordance with their restrictions.

(3) At least half of the remaining unrestricted funds shall be expended for the purchase and planting of Trees.

(4) All other unrestricted funds may be spent for any activity that is consistent with the purpose of the Account.

(d) Any budget proposed by the Mayor or approved by the Court of Common Council, and any appropriation made for the purchase and planting of Trees, must not be reduced, ratably or otherwise, in consideration of any moneys in the Account. Expenditures from the Account shall add to and not replace budgets and appropriations which also serve the purposes of the Account.

(e) Any remaining investment income shall be held in reserve for future transfer and appropriation.

(Ord. No. 11-11, 3-28-11)

Sec. 28-165. – Enforcement.

(a) Any person who violates any of the provisions of this Article shall be notified by the City Forester of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall explain the nature of the violation and shall provide a reasonable time period within which compliance must be achieved.

(b) Upon verbal or written notice from the City Forester that work is being performed contrary to any provision of this Article, such work shall be immediately stopped by the person doing the work. Within seven (7) days of any verbal or written notice, a stop work order shall be provided to the owner of the subject lot, or to the owner's agent, or to the person doing the work, and the stop work order shall state the conditions under which work is permitted to resume, provided that if any such stop work order is not issued within seven (7) days, the owner of the subject lot may ask the Tree Advisory Commission for a hearing and decision in accordance with § 28-156(i). Any person who shall continue work after having been served with

a stop work order, except such work as that person is directed by the City Forester or other City officials to perform to remove a violation or unsafe condition, shall be liable for a daily fine not exceeding two hundred fifty dollars (\$250.00) per violation, per Tree affected.

(c) Whenever there is reasonable cause to believe that a person is violating any applicable Article provision, the City may institute a civil action in a court of competent jurisdiction for a mandatory or prohibiting injunction ordering the defendant to either correct the unlawful use of the property or cease the unlawful use.

(d) Each failure to replace a Tree or make a payment into the Hartford Tree Account or to post and maintain a bond in accordance with Section 28-161(c) equal to tree replacement value, or to follow any of the provisions of this Article shall constitute a separate violation of this Article for which there shall be a fine in the amount of two hundred fifty dollars (\$250.00). Each day such violation continues shall constitute a separate offense.

(e) As an alternative or in addition to any fine stated in this Section, citations may be issued pursuant to the Hartford Zoning Regulations.

(f) The Commissioner of Public Works or his or her designee, the City Forester, and employees of the Department of Public Works shall be the authorized enforcement personnel.

(Ord. No. 11-11, 2-1-17)

Sec. 28-[165]166 - Cumulative effect and severability.

This Article shall be subject to all applicable State and Federal laws and shall not impede compliance with such laws. The provisions of this Article are in addition to and not in place of any powers, requirements, sanctions or other provisions of State or Federal law. If any provision of this article is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

(Ord. No. 11-11, 3-28-11)

Sec. 28-167. - Public utilities.

(a) Except as otherwise provided in any settlement agreement by and between the City and any public utility, any public utility maintaining any overhead wires or underground pipes or conduits shall obtain a public utilities permit from the City Forester before performing any maintenance work on the wires, pipes, or conduits which would cause injury to a City Tree. The public utility shall not injure, deface, prune, or scar any City Tree until its plans and procedures have been approved by the City Forester.

(b) When maintaining City Trees, a public utility must observe American National Standards Institute, Inc., Standards for Tree Care Operations—Tree, Shrub, and other Woody Plant Maintenance—Standard Practices and other standards noted in the Hartford Zoning Regulations and as articulated by the City Forester from time to time.

(c) The Metropolitan District, also known as the Metropolitan District Commission, is not exempt from the requirements in this section and, notwithstanding anything in this section that may be to the contrary, shall comply with the requirements in this section.

Secs. 28-[166]168—28-169. - Reserved.

This ordinance shall take effect upon adoption.

ITEM # 12 ON AGENDA

Introduced by: **Glendowlyn L. H. Thames, Council President**

Co-Sponsored by: John Q. Gale, Assistant Majority Leader
Thomas J. Clarke II, Councilman
rJo Winch, Councilwoman

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF HARTFORD FOR THE PURPOSE OF ESTABLISHING THE COLUMBIA STREET/PARK TERRACE SPECIAL SERVICES DISTRICT CHAPTER 28, Article XV

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

October 9, 2018

Be it ordained by the Court of Common Council of the City of Hartford

That Chapter 28, Article XV be established in the Hartford Municipal Code as follows:

Sec. 241 - Establishment.

There is hereby established a Columbia Street/ Park Terrace Special Services District as a body politic and corporate, in accordance with the powers vested in the city under Chapter 105a of the Connecticut General Statutes.

Sec. 242 - Definitions.

The following words, terms and phrases, as used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assessed value of property for each fiscal year shall be the value of property shown on the grand list of the city effective October 1 of the prior year.

Board of commissioners shall be the executive body of the district elected by a majority vote of the members of the district.

Commissioner shall be any member of the board of commissioners.

District shall be the special services district established according to Chapter 105a of the Connecticut General Statutes, whose boundaries are delineated in Section 245 of this article.

Fiscal year shall be from July 1 through June 30.

Holder of record of the taxable interest in real property shall be an individual, corporation, partnership; unincorporated association, trustee, fiduciary, guardian, conservator, or other legal entity or any combination thereof as identified in the city land records.

Property shall be real property within the district that is identified in the tax records of the city as a parcel of land and/or building or which constitutes an individual condominium unit as shown on the records of the city assessor's office.

Property owner shall be the holder of record of the taxable interest in property as defined in this section.

Sec. 243 - Purpose.

The Columbia Street/Park Terrace Special Services District is created under Chapter 105a of the Connecticut General Statutes to promote the economic and general welfare of the residents of Hartford, and especially the property owners and residents of the district as defined by this article, through the preservation, maintenance, improvement, protection, and development of the common areas, utility installations, and lanes of the district.

Activities of the district to pursue this purpose shall include but not be limited to the preparation of economic or physical studies and plans, contracting, and property management and maintenance.

Sec. 244 - Powers of the district.

(a). Subject to the limitation set forth in subsection (b) of this section, the district shall have the following powers:

(1) To acquire, hold and convey any estate, real or personal;

(2) To enter into contracts;

(3) To borrow money provided any obligation incurred for this purpose shall be discharged not more than three (3) years after it is incurred, and such district may pledge any tax levies received against such obligations;

(4) To recommend to the council the imposition of a special tax levy upon a taxable interest in real property within the district, the revenues from which shall be used in carrying out any of the powers of the district;

(5) To construct, own, operate or maintain public improvements;

(6) To provide, within such district, some or all of the services which the city is authorized to provide in the district in accordance with Chapter 105a, Section 7-339t and other

Connecticut General Statutes and provided that there be a formal agreement for providing such services between the district and the City

(7) To retain legal counsel;

(8) To receive and use gifts and donations, including but not limited to, goods and services, for the activities necessary to meet the purpose of the district or to carry out the powers of the district;

(9) To operate revenue producing and promotional events and to use the revenues for district purposes otherwise permitted under this article;

(10) To carry out any functions or provide any services reasonable and necessary to carry out the aforementioned powers or to otherwise meet the purposes of the district;

(11) To sue and be sued.

(b) The district shall not enter into or make any contract, agreement, lease, commitment, pledge or undertaking of any sort for a period or term of longer than three (3) years, provided that, with the written approval of the city's mayor, said three-year limit may be extended to up to five (5) years. If any provision of this article requires a shorter period or term, such more restrictive provision shall govern.

Sec. 245 - Boundary of the district.

(a) The geographic boundaries of the district shall include the following parcels:

Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 Columbia Street;

Numbers 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24 Park Terrace;

Numbers 245, 247, and 249 Putnam Street; and

Numbers 447-449-451-453, 461, 489-491 Capitol Avenue.

(b) All of the land area included in the above list of properties shall constitute the geographic area of the district, and any changes to the parcels' shape or address or parcel identification number shall not eliminate any of the land from the district. For the purpose of establishing the district, the owners of tax-exempt property within the district will not be eligible to vote nor will they be subject to any tax levies unless the tax-exempt status changes. If the tax-exempt status changes the property shall be subject to the district tax levy in accordance with this article. Such levies shall be prorated to cover the period from the change in the tax status to the end of the fiscal year during which the tax status changes.

Sec. 246 - Procedures for the referendum; establishing the district.

(a) This article shall not take effect unless, within sixty (60) days of the enactment of this article by the council, a referendum thereon shall be held and approved.

(b) The referendum shall be held among all holders of record of taxable interests in real property in the district on the question of whether this article shall take effect. The city clerk shall determine the identity of such holders from the city's tax records and shall give notice of the referendum to such holders.

(c) The referendum question shall appear on a ballot created by the city clerk. Each ballot shall be accompanied by a copy of the ordinance from which this article is derived and a letter explaining how the ballot is to be cast. Only property owners inside the district are eligible to vote in the referendum. Each ballot shall be signed by the property owner or the duly authorized representative of said owner.

(d) In addition to the referendum question the ballot shall contain an identification of the property or properties owned by the property owner which are in the special services district and the assessed value of the real property of those premises as they appear in the city's grand list as of the October first preceding preparation of the ballot. The city administration shall prepare, prior to the mailing of said ballots, a list of the property owners within the district, and the assessed value of the properties and shall post the list in the city clerk's office.

(e) The ballot shall be mailed to the address used by the city assessor for tax collection purposes. The ballots must be returned to the city clerk by not later than 5:00 p.m. on the twenty-first day after the initial mailing.

(f) Each property owner shall be entitled to cast one (1) ballot for each property they own, which will be so counted in determining whether the necessary majority of property owners have voted in favor of the creation of the proposed district. Where there are multiple owners of a property, the property shall be entitled to one (1) vote.

(g) The city clerk shall supervise the referendum and shall certify the results of the referendum.

(h) The referendum shall be approved if a majority of all such holders of record of taxable interests in real property in the district, voting one (1) vote per property, respond affirmatively and if such holders of record of taxable interests in real property in the district, the assessments of which constitute more than one-half (½) of the total dollar amount of assessments for all taxable interests in real property within the district, respond affirmatively.

Sec. 247 - District organization and operations.

1. Commencement of district operations. Within thirty (30) days after the referendum creating the district, the mayor or a designee shall call a general meeting of the members to elect the board of commissioners in accordance with subsection (b) of this section. The board of commissioners shall

meet within twenty (20) business days of the general meeting and establish a schedule of subsequent meetings and a schedule for adopting bylaws for the commission, said bylaws to be adopted within sixty (60) days of the first meeting of the board.

2. (a) Board of commissioners.

(b) There shall be established a board of commissioners consisting of five (5) members. There shall be one (1) alternate commissioner elected to substitute for commissioners absent from any business meeting.

(c) The board of commissioners shall be the executive body governing the day to day operations of the district. The board shall make administrative decisions and establish or interpret policies of the district which are consistent with the purpose, intent and powers of the district. The board may designate such agents, including a district manager, as it deems necessary and advisable to act on its behalf in the conduct of the business of the board.

(d) The board of commissioners shall be elected by a plurality vote of members of the district present and voting at a general meeting. Nominations for candidates for elections to the board of commissioners shall be made at the time of the general meeting. Each member shall be entitled to cast five (5) votes, but shall not be allowed to cast more than one (1) vote for any one (1) candidate. The candidates receiving the highest total vote count shall be elected commissioners. The candidate with the highest vote count after those elected shall be elected alternate. No more than one (1) candidate shall be elected from a street address.

(e) The board of commissioners shall elect officers, the positions to be determined at the first meeting of the board after the district is created and incorporated into the bylaws when written.

(f) The board of commissioners may hire such staff or consultants considered necessary to perform the duties and carry out the obligations of the district as approved in the annual budget.

(g) The terms of the five (5) commissioners and one (1) alternate shall be for two (2) years. Notwithstanding this term limit, each commissioner and alternate shall serve in good standing until replaced by a vote of the members of the district held at an annual meeting.

(h) If any commissioner or alternate shall fail for any reason to serve through the end of the term, the remaining commissioners shall appoint a property owner to fill the remainder of the vacated term.

(i) No commissioner shall receive any compensation for service as such, but may be reimbursed for reasonable expenses incurred on behalf of the district as determined and approved by the board. Travel expenses may not be incurred or reimbursed.

3. Meetings of board of commissioners.

(a) The board of commissioners shall establish a regular schedule of meetings and notify all members in the district of their regular meeting schedule including dates, times, and places for said meetings. The board shall send the schedule to be filed in the town clerk's office within one week

of its adoption.

(b) The board of commissioners may call special meetings from time to time as necessary to conduct the business of the district. The board of commissioners shall notify members of the special meeting setting forth the date, time, place and subject matter of the meeting.

(c) There shall be at least one (1) annual meeting each year of district members to review the activities of the district, to review and make comments on the proposed budget for the district, and to conduct district elections when appropriate.

Sec. 248 Annual budget and tax levy for the special services district; financial reports

(a) The board of commissioners shall prepare and adopt the first annual budget from the district within 60 days of the election and annually thereafter. The budget shall include proposed expenditures, revenues and a recommended tax levy for the district.

(b) The board of commissioners shall recommend to the city administration on or before March 15 of each year a levy upon taxable interest on real property within the district to support the district's annual budget. Said recommended levy shall not exceed a limit to be established periodically by resolution of the city council. The city shall be obliged to impose the recommended levy on the properties in the district as a municipal levy, to collect the revenues, and to deposit the revenues into a special City controlled fund to be used to pay to the district the cost of obligations incurred by the district.

(c) The levy on the taxable interest in real property in the district shall be due and payable in two (2) parts, on July 1 and January 1, following the adoption of the levy for the fiscal year. On or before July 1 and January 1 each year the tax collector of the city shall, accordingly, bill holders of taxable interest in real property in the district.

(d) Delinquent charges shall be assessed on late district tax payments and shall be computed in the same manner and at the same rate used for establishing delinquent charges on regular real property tax bills of the city.

(e) The city treasurer shall disburse funds from the account to the district upon written request of a duly authorized representative of the district, and only upon such request in accordance with the then current approved annual budget of the board of commissioners of the district. The district shall set forth in its bylaws the procedures for approving disbursement of funds and requesting disbursement from the treasurer.

(f) All orders or contracts for expenditures by the board of commissioners or their agents on behalf of the district which are greater than five thousand dollars (\$5,000.00) shall be awarded to the lowest responsible qualified bidder only after a public invitation to bid, which shall be advertised in a newspaper having circulation in the district.

(g) All moneys, including but not limited to levies or any income, proceeds or fees issuing from

the provision of services by the district or other business conducted by the district received by the board or by the city on behalf of the district shall be paid into the general fund of the city where an account shall be maintained of such moneys for the benefit of the district. Any provisions of the General Statutes, Special Acts or Charter to the contrary notwithstanding, the treasurer of the city shall disburse such moneys in accordance with an annual budget adopted by the board of commissioners.

(h) An annual financial report of all district revenues and expenditures shall be submitted to the finance director of the city within sixty (60) days of the end of each fiscal year.

Sec. 249 - Municipal service agreements.

The city may enter into a contract with the district in which the city is excused from providing to the district some or all of the services which the district is authorized to provide pursuant to this article and in which the district agrees to provide all such services from which the city has been excused. Any such contract is pursuant to Section 7-339t of the Connecticut General Statutes. The city and the district may also enter into contracts in which the district is given the right to elect to purchase from the city some or all of the services for which the district has become responsible. Any such contract is pursuant to Section 7-339t of the Connecticut General Statutes.

Sec. 250 - Dissolution of the district.

(a) The district may be dissolved by an ordinance repealing this article or after a referendum is conducted by the board of commissioners among all property owners within the district on the question of whether the district shall be dissolved, provided a majority of property owners shall respond affirmatively or those controlling more than one-half (½) the total dollar amount of assessments for all taxable interest in real property shall respond affirmatively. The referendum shall be conducted in the same manner as the referendum establishing the district as provided herein.

(b) In the event the district is dissolved, the board of commissioners shall proceed to conclude the affairs of the district at the end of the then current fiscal year. If, after dissolution of the district there are outstanding liabilities or obligations, whether fixed or contingent, the council may impose, in addition to the regular municipal levy, a levy on the real property within such district pursuant to Section 7-339s of Chapter 105a of the Connecticut General Statutes for as many years as such liabilities remain outstanding. This levy shall be calculated to produce enough revenue to satisfy and release such liabilities. The revenue collected shall be deposited into the general fund of the city and disbursed at the direction of the city finance director solely for the purposes stated herein. If, after dissolution of the district, there are assets that remain following the conclusion of the affairs of the district, the assets will be transferred to the city.

Sec. 251- Abatement of city property taxes.

The district's interest in real property held in the district, and personal property owned by the district, are subject to property taxes of the city but such tax may be abated prospectively by vote of the council.

Sec. 252 - Insurance and indemnity.

The district shall obtain and maintain, at its own cost and expense, issued by an insurance company licensed to conduct business in the State of Connecticut and having a Best's Key Rating of A-VIII or better, at least the following insurance coverage: commercial general liability, including contractual liability insurance, two million dollars (\$2,000,000.00) combined single limit bodily injury and property damage. The City of Hartford shall be included as an additional insured, ATIMA. The district shall provide to the finance director of the city, prior to the commencement its operations, and thereafter upon renewal of any required insurance hereunder, certificate(s) of insurance evidencing coverage as required by this article. The insurance shall not be cancelled, altered or modified without the express written consent of the city, acting by its finance director. The coverages will not be canceled, non-renewed, or materially altered or changed by endorsement or through issuance of other policy(ies) without sixty (60) days advance written notice to the city finance director.

The district agrees to indemnify and hold the city and its officers, officials, employees, and agents, harmless from any liabilities, obligations, claims, actions, judgments, damages, or debts, amounts paid in settlement, and expenses, including attorney's fees, which are a result of the establishment of the district or of its operations and activities.

The commissioners, officers, agents and employees of the board of commissioners shall be entitled to indemnification against judgments, fines, penalties, amounts paid in settlement and expenses including attorney's fees, in accordance with the standards and provisions of and to the extent that such indemnification is authorized for unpaid voluntary municipal commissioners by the Connecticut General Statutes, as may be amended from time to time. The board shall purchase insurance providing coverage in such amounts and with such coverage as the board may from time to time determine. The right of all indemnification provided for shall be in addition to and not exclusive of all other rights to which any commissioner, officer, agent or employee may be entitled, and such right of indemnification shall inure to the benefit of the heirs and personal representatives of such indemnified person.

ITEM # 13 ON AGENDA

INTRODUCED BY:

Council President Glendowlyn L.H. Thames

COURT OF COMMON COUNCIL

City of Hartford, October 9, 2018

RESOLVED, That the Court of Common Council hereby appoints the following individuals as members of the Hartford Stadium Authority per Chapter 37 Sec. 37-6 of the Hartford Municipal Code:

Franklin Perry, 83 Oxford Street, Hartford, CT 06105
For a term expiring December 31, 2020

Jack Ellovich, 1 Gold Street, Unit 5E, Hartford, CT 06103
For a term expiring December 31, 2020

1 Gold St. – Unit 5E
Hartford, CT 06103
860.525.1840 – Home
860.525.2721 – Office
860.490.0440 – Cell
jack@jackellovichcpa.com

Jack Ellovich, CPA

- Business Experience:**
- Self Employed 1985 – Present Jack Ellovich, CPA, LLC**
Sole practitioner of practice involving individual, small corporate and estate taxation; compilations and reviews of business enterprises; litigation support and small business start-up.
- Vice President Internal Audit 1982 – 1985 Barclays American Business Credit**
In charge of eight person internal audit department for asset based lender with loan portfolio in excess of 250 million dollars.
- Manager of Internal Audit 1979-1982 Dexter Corporation**
In charge of internal audit department of decentralized Fortune 500 industrial manufacturing company with three staff. Wrote company's first internal audit manual.
- Senior Accountant 1973 – 1979 Price Waterhouse & Co.**
Accountant for "Big Eight" firm. Audited various size companies including S-1 audit for initial public offering under SEC guidelines.
- Teaching Experience:**
- Seminar Presenter 1985 – 2017**
Present the following seminars and topics; Professional Staff Training – Levels 1 through 4, Compilations and Reviews, Analyzing Financial Statements, Financial Statement Disclosure, Other Comprehensive Basis of Accounting, Accounting and Reporting for the Tax Practitioner and Ethics CPA's.
Have presented seminars in 35 states.
- Adjunct faculty member**
Central Connecticut State University – 1979-1989
- Awards Received:**
- Seminar Presenter of the Year Awards:
Connecticut Society of CPA's (3 times)
New Hampshire Society of CPA's
Florida Institute of CPA's
- Authorship:**
- Co-author of "Professional Staff Training – Level I"
"Accounting and Auditing Update, 2013"
"Your Financial Statements – Can We Talk" Thinking Big in Small Business Connecticut Society of CPA's
- Education:**
- Central Connecticut State University, BSBA 1973 with honors.
- Community Activities:**
- Board of Trustees member, TheaterWorks, Finance committee member 2016 - Present
President (currently), Hartford Community Loan Fund, member since 2008 - Present
Board of Trustees member, The Hartford Conservatory, 2005-2008
Board of Trustees member, South Downtown NRZ, 2001-2004

Franklin E. Perry II, Esq.

83 Oxford Street
Hartford, CT 06105

feperry@gmail.com
(860) 655-9174

EDUCATION

University of Connecticut School of Law, Juris Doctorate

May 2013

Honors: Outstanding Service to the Law School Award; C.A.L.I. Award in Moot Court; C.A.L.I. Award in Public Health I; C.A.L.I. Award in Advanced Torts
Activities: S.B.A. President; Dean's Research Committee; UConn Law Foundation Board (non-voting member); Facilities Committee (Chair); Social Committee; Election Committee; B.L.S.A.; A.P.A.L.S.A.; Integrated Refugee & Immigrant Services; UConn Law Soccer Club

Catholic University of America, Master of Social Work

May 2009

Honors: Provost Scholarship
Activities: Master's Student Association

Amherst College, Bachelor of Arts

May 2004

Major: Law, Jurisprudence & Social Thought
Honors: Connecticut Ells Scholarship Award; NCSAA/Adidas All-American (Soccer); Keefe Campus Center Service Award
Activities: Intramural Athletic Coordinating Committee; Judiciary Committee Advocate; Change for Change Program

WORK HISTORY

State of Connecticut, Hartford, CT

Director of Policy and Government Affairs

January 2017 – Present

Develop and deliver comprehensive legislation and political strategies. Direct and manage staff for House Democratic Majority Leader. Work collaboratively with staff attorneys to conduct legal and legislative research and analysis. Prepare supporting collateral materials for legislators in preparation for public hearings and state agency meetings. Serve as direct advisor to the Majority Leader of the State House of Representative.

Brown Rudnick, Hartford, CT

Associate in Government Law and Strategies Group and Real Estate Group

October 2013 – December 2016

Summer Associate

May 2012 – August 2012

Law Clerk

Winter/Spring 2011; Winter/Spring 2012; Winter/Spring 2013

Manage permitting, regulatory, development and commercial real estate transactions on behalf of clients. Provide political advocacy for clients on various matters of interest before Connecticut's state and municipal bodies and regulatory agencies. Act as a liaison between legislators and clients in the energy, entertainment, gaming, health care, and transportation industries.

Segarra For Mayor, Hartford, CT

July 2011 – November 2011

Volunteer Director

Directed Mayor Pedro Segarra volunteer activities. Oversaw grassroots efforts to promote the mayor's local and state initiatives. Recruited, scheduled, and communicated with volunteer groups and individuals throughout various communities. Assisted with fundraising activities and outreach projects. Conducted legal compliance research to ensure conformity to election laws during general and primary elections.

Catholic Charities, Washington, D.C.

November 2009 – August 2010

Social Worker and Case Manager

Managed clients of most vulnerable populations to enhance quality of life and enhance degrees of self-sufficiency. Apportioned social services for homelessness prevention, crisis intervention, and long-term treatment proposal. Administered outreach initiatives.

The United States Attorney's Office, Washington, D.C.

August 2008 – May 2009

Intern, Victim and Witness Advocate

Educated victims and witnesses about their legal rights and the judicial process. Worked one-on-one with Victim and Witness Specialists, Assistant U.S. Attorneys, and Deputy Chiefs to manage victims and witnesses case files. Provided clinical therapy to clients.

The Washington Hospital Center, Washington, D.C.

August 2007 – May 2008

Intern, Clinical Social Work

Provided client/family advocacy, case management, crisis intervention, discharge planning, family treatment, and individual short-term treatment proposal. Worked with management policy counsel to reform administrative guidelines and procedures.

The Capital Region Children's Center, Washington, D.C.

September 2006 – August 2010

Mentor and Tutor

Provided home-based mental health services to at-risk children. Managed and conducted therapy sessions. Tutored at-risk students.

Alpargatas S.A., Buenos Aires, Argentina

January 2006 – May 2006

Intern/Business Associate

Matriculated through the marketing, production, finance, accounting, and inventory business units assisting in organization and reporting to managers. Updated company curriculum and managed candidate database.

LANGUAGES: Conversational in Spanish.

PROFESSIONAL AFFILIATIONS: UConn Law Foundation Board; Catholic Charities (Connecticut) Board of Trustees; H.D.T.C.

INTRODUCED BY:
Councilman Thomas J. Clarke II

COURT OF COMMON COUNCIL
City of Hartford, October 8, 2018.

WHEREAS, There were riots for consecutive years between City residents and the Hartford Police Department between 1966 to 1969; and

WHEREAS, In 1969 three (3) individuals and four (4) organizations filed federal discrimination suit against Hartford Police Chief Thomas Vaughan and five (5) others; and

WHEREAS, The plaintiffs claimed that the Hartford Police Department had conducted a campaign of violence, intimidation and humiliation against Blacks and Latinos. The lead plaintiff was Maria Cintron; and

WHEREAS, In 1973 the plaintiffs and the City of Hartford reached a settlement / consent decree establishing a police code of conduct include:

- a) Written procedure for the internal review of complaints against Hartford Police Officers; and
- b) That City of Hartford Police Officers avoid using profane and derogatory terms; and

WHEREAS, The residents of Hartford call for the City to revisit the Consent Decree; and

WHEREAS, The plaintiffs now assert that the Hartford Police Department has violated the Consent Decree in its failure to:

- a) Have an independent review of the police firing weapons;
- b) Have the Firearms Discharge Board meet monthly;
- c) Have Hartford Chief of Police name 3 individuals to voting positions on the Firearms Discharge Board from a list of 6 provided by the plaintiffs;
- d) Have Hartford Police Department notify or reach agreement with the plaintiffs on it switching service revolver;
- e) Prepare Hartford residents to enter the Hartford Police Department as Police Officers; and

RESOLVED, That the Court of Common Council urges the Administration to request the Federal Court NOT "sunset" the Consent Decree until the above issues surrounding the Firearms Discharge Board are settled; and be it further

RESOLVED, The Court of Common Council further request The Administration to provide an update by the next council meeting scheduled for October 22, 2018.

INTRODUCED BY:
Councilman Thomas J. Clarke II

COURT OF COMMON COUNCIL
City of Hartford, October 8, 2018.

WHEREAS, The City of Hartford's majority population is predominantly made up of black and brown individuals; and

WHEREAS, The City of Hartford's Police Department should mirror the population that it protects and serve; and

WHEREAS, The City's recent Hartford Police Department's promotion ceremony was not an adequate depiction of the City's demographic make up; be it

RESOLVED, The Court of Common Council request another recruitment, retention and promotion plan from The Hartford Police Department; and be it further

RESOLVED, The report should be detailed with special emphasis on Minorities and Hartford residents and include the current staffing levels which includes rank, years of service, salaries and race.

INTRODUCED BY
Councilperson Larry Deutsch
Councilperson Claudine Fox
Minority Leader, Wildaliz Bermudez
Councilperson, rJo Winch

COURT OF COMMON COUNCIL
October 9, 2018

WHEREAS, many city employees have imposed upon them increases in total health care costs through:

- a. shift to High Deductible Health Plans for several bargaining (contract) units with high initial out-of-pocket expenses to individuals or families which some cannot afford, or
- b. offer to continue traditional (PPO or other) insurance plans with drastic weekly premium increases which have not been justified by the administration with documentation and data calculating and justifying such increases, and

WHEREAS, information for city employees has not provided certain details such as:

1. revenue to the city from weekly paycheck deductions;
2. payment by the city [self-insured] for medical, behavioral, and pharmaceutical health services received by employees or their families;
3. administrative expenses for
 - a. the city;
 - b. CIGNA [as an Administrative Services Organization, ASO] with profit and costs to administer these plans on behalf of City;
 - c. comprehensive independent analysis for added expense and suffering for individuals and families when health care is deferred, delayed, or avoided due to unaffordable high out-of-pocket [OOP] charges; and

WHEREAS, these changes in employee benefits have been imposed through bargaining unit contracts under threat of bankruptcy alternatives and,

WHEREAS, finally, research in health care services and economics have found that these HDHP/HSA plans provide advantages for people in higher disposable income and tax bracket levels but disadvantages for most individuals and families with average or low income including most city employees, therefore be it

RESOLVED, that Administration promptly produce independently-calculated details showing comprehensive and complete costs for employees, their families, and the city treasury, as specified above, and

RESOLVED, there be further analysis of HDHP/HSA plans and/or unjustified increases in paycheck deductions for health insurance, through new or renewed contractual terms or through administrative imposition.

INTRODUCED BY:
Councilwoman rJo Winch
Councilwoman Claudine Fox

COURT OF COMMON
CITY OF HARTFORD
October 9, 2018

Establishment of Charter Revision Commission

WHEREAS: The Charter of the City of Hartford was adopted in 1947 and last amended in 2012; and

WHEREAS: Chapter XII, Section 5 of the Charter of the City of Hartford calls for a periodic Charter review; now therefore, be it

RESOLVED: That an eleven (11) member Charter Revision Commission be appointed pursuant to the provisions of Section 7-187 through 7-194 of the Connecticut State Statutes, and of said Commission; one member shall be designated Chairperson; one Vice Chairman; and one Secretary; and be it further

RESOLVED: That said Commission shall be empaneled for the purpose of undertaking a thorough review of the current charter to include the feasibility of the following but not limited to:

1. Granting authority to Court of Common Council to appoint members to city commissions.
2. Relocating the Board of Education Election to another election period to save the city funds since this election historically has an extremely low voter turnout.
3. Changing the board of education nine (9) member make up to the following:
 - a. 5 elected by Hartford electorates
 - b. 2 appointed by the Mayor
 - c. 2 appointed by the Council, and be it further

RESOLVED: That in accordance with the provisions of Section 7-190 of the Connecticut General Statutes, this Council shall within thirty (30) days of passage of this resolution, appoint members of the Charter Revision Commission, and be it further

RESOLVED: That the City of Hartford Corporation Counsel is requested to provide such assistance to the said Commission as deemed necessary.