

# **COMMON COUNCIL ORDINANCE COMMITTEE**

## **REGULAR MEETING**

**October 17, 2017**  
**7:00 p.m. – Room 231**  
Norwalk City Hall-125 East Avenue  
Norwalk, CT

## **AGENDA**

1. **ROLL CALL**
2. **PUBLIC HEARING (possible action on):**
3. **PUBLIC HEARING DISCUSSION**
4. **PUBLIC COMMENT**
5. **ACCEPTANCE OF MINUTES:** September 19, 2017
6. **OLD BUSINESS (possible action on):** Solicitors  
Arts Commission bylaws
7. **NEW BUSINESS: (possible action on):** Bidding and Purchasing
8. **DISCUSSION ITEM:**
9. **ADJOURNMENT**

# **MINUTES FROM 9/19/17 MEETING**

**CITY OF NORWALK  
ORDINANCE COMMITTEE  
SEPTEMBER 19, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello;  
Thomas Livingston, Doug Hempstead;  
Shannon O'Toole; Giandurco; Travis Simms

STAFF: Brian Candela, Corporation Counsel

OTHERS: Donna King, City Clerk; Irene Dixon, Asst. City Clerk;  
Lieutenant Art Weisgerber; Jennifer Bangser

**1. ROLL CALL**

Ms. Melendez called the meeting to order at 7:04PM and called the roll. A quorum was present.

**2. PUBLIC HEARING-**  
**Norwalk Shorehaven Special Services Taxing District**

**\*\* MS. MELENDEZ OPENED THE PUBLIC HEARING AT 7:05PM.**

**\*\* MS. MELENDEZ CLOSED THE PUBLIC HEARING AT 7:10PM.**

No one from the public commented.

**3. PUBLIC HEARING DISCUSSION**

Ms. Melendez said that she received a phone call from a resident suggesting removing "Taxing" from the Norwalk Shorehaven Special Services Taxing District. Mr. Hempstead said that he agrees because they do not have the power to tax. Mr. Candela said that he will contact the Attorney for clarification.

**\*\* MR. HEMPSTEAD MOVED TO AMEND THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**\*\* MR. HEMPSTEAD MOVED TO APPROVE THE NORWALK SHOREHAVEN SPECIAL SERVICES DISTRICT.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

#### **4. PUBLIC COMMENT**

There was so public comment.

#### **5 ACCEPTANCE OF MINUTES**

July 18, 2017

**\*\* MR. LIVINGSTON MOVED TO APPROVE THE MINUTES  
\*\* THE MOTION PASSED WITH (5) FIVE IN FAVOR AND (1) ABSTENTION  
(MR. SIMMS)**

#### **6. OLD BUSINESS**

There was no old business discussed.

#### **7. NEW BUSINESS**

##### **Solicitors**

Ms. King said this is an issue that has an impact in many ways and that they are working with an ordinance that does not protect the public. She said there are a number of issues that they think are important including separating the food vendor from the solicitors

permit because they are very different things and that currently it is all one permit, and suggested maxing out the number of food trucks . She discussed the current process and said that there is only a local City of Norwalk criminal background check done. Lieutenant Weisgerber said that the local background checks only cover any arrests and convictions within the City of Norwalk, and the way the current ordinance is written it does not allow them to do a fingerprint background check by the State or the FBI. Mr. Livingston asked what the cost is for the City to do the fingerprint checks and how long does it take. Lt. Weisgerber discussed the process and said that the fingerprints are mailed off to the State for a fee of \$50 and to the FBI for a fee of \$12 and it takes approximately six to eight weeks. He said from a safety point of view that we are licensing people to go door to door on resident's property and over the past three years over 93 licenses were issued and not one was a Norwalk resident and only half were residents of Connecticut. He also said that over the past three years there should have been \$9,300 collected for the 93 permits, and possibly \$4,600 for the background checks, but they were only able to collect \$1,500 and that the average for the city now is \$16.12 per permit. Mr. Corsello suggested an application fee of \$100 which will include the fingerprinting, and \$200 for the permit. Ms. Meledez asked Mr. Candela what can be done immediately Mr. Candela said his focus was on solicitors and asked the committee if they would want to charge companies one fee or multiple fees. Ms. Melendez said multiple fees. Mr. Livingston suggested charging per individual. There was discussion about the end date for a solicitor's license and it was decided that it should remain per calendar year. Mr. Candela also suggested reaching out to the Health Department to see what their requirements are for the food trucks because it may be helpful if the food trucks and solicitors will be separated out because those requirements may need to be added to the ordinance as well. Mr. Corsello suggested having the solicitors go to the Police Department to obtain the permit and the food trucks to the Health Department. There was further discussion and Mr. Livingston suggested that Mr. Candela work with the Police Department to revise the current soliciting ordinance with the changes that were discussed tonight and to where it makes sense, and to also make the process of obtaining a permit as easy for people as possible and have a review and discussion at the next Ordinance Committee meeting.

### Arts Commission Bylaws

Mr. Livingston and Mr. Hempstead discussed some minor changes they would like to see. It was decided that the changes that were discussed would be given to Mr. Candela and he would insert them and make a final draft to be reviewed at the next Arts Commission meeting. Mr. Candela requested the finalized changes that are made at the next Arts Commission meeting be forwarded to him the following afternoon after they meet so that it can be included on the next Ordinance Committee meeting agenda.

## **8. ADJOURNMENT**

**\*\* MR. LIVINGSTON MOVED TO ADJOURN**

**\*\* MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:25 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

# **SOLICITORS**

## MEMORANDUM TO FILE

Date: October 11, 2017

From: Brian Candela

**RE: Chapter 77 of the Norwalk City Code for the October 17, 2017 committee meeting**

The ordinance committee asked the Norwalk Police Department and Corporation Counsel's office to provide a red-line draft of Chapter 77 (solicitors' section only). **Attached as Exhibit A is the red-line draft.** Enclosed also please find the amended solicitor forms/applications for your review. **Attached as Exhibit B.**

**1) Proposed revisions to Chapter 77-20(C)(1)(c)&(d) concerning the refusal to issue licenses due to misdemeanors and/or felony convictions**

Revisions were made to Chapter 77-20(C)(1)(c) and Chapter 77-20(C)(1)(d). Chapter 77-20(C)(1)(c) now states that Norwalk may refuse to issue such license or revoke said license if the applicant has been convicted of any misdemeanor, as defined in the Connecticut General Statutes, involving a lack of truthfulness, including but not limited to, fraud, extortion, bribery, blackmail, embezzlement, forgery, larceny, robbery and/or theft, within the last five (5) years. Chapter 77-20(C)(1)(d) now states that Norwalk may refuse to issue such license or revoke said license if the applicant has been convicted of a felony of any type.

**2) Proposed revisions to Chapter 77-20(A) concerning fees charged for solicitors**

A revision was also made to Chapter 77-20(A). Norwalk now charges \$200.00 for a solicitor's license and \$50.00 for the application. The application fee was reduced from the originally proposed \$100.00 as Norwalk does not need to take fingerprints as it cannot forward them to either Connecticut or the FBI for analysis. See Connecticut General Statutes § 29-17a (criminal history check must be required by a state statute). Norwalk's inability to obtain information from either Connecticut or the FBI was confirmed by the Norwalk Police Department following the September 2017 ordinance committee meeting.

**3) Proposed revisions to Chapter 77-21 concerning the end-date for a solicitor license**

A revision was also made to Chapter 77-21. Norwalk now states that each license issued in accordance with this chapter shall be valid for the period of one year from the date of issuance, unless suspended or revoked.

**4) Proposed revisions Chapter 77-18 concerning the solicitor license requirements**

- a) Applicant's State of Connecticut Taxation Number [Chapter 77-18(A)(2)];
- b) The address of the applicant's principal office, place of business or employer, if applicable, and the name and address of the person or organization for whom or through whom orders are to be solicited or cleared [Chapter 77-18(A)(3)];
- c) A statement as to whether the applicant has ever had a solicitor's license revoked. A statement as to whether the applicant has ever been convicted of any type of felony or misdemeanor and the penalty imposed, if any [Chapter 77-18(A)(6)];
- d) In addition, the applicant shall submit a signature, two copies of a recent passport sized photograph and conclusive proof of possession of a Stet of Connecticut sales and use tax permit [Chapter 77-18(B)].

**5) Proposed revision to Chapter 77-22(B)**

Chapter 77-22(B) now holds that no solicitor shall engage in the soliciting of orders except between 9:00 a.m. and dusk.

**6) Proposed revision to Chapter 77-24**

Chapter 77-24 now holds that each “order solicited in violation of the provisions of this chapter and each false statement or misrepresentation of fact for the purposes of obtaining a solicitor’s license shall be deemed a separate offense and shall be subject to a \$100 fine.”

**7) Proposed revision to Chapter 77-19**

Chapter 77-19(A) adds the following language: “Before any license, as provided by this Article, shall be issued, such natural person applicant or business entity applicant shall file with the Police Chief or his designee a certificate of insurance naming the City of Norwalk as the additional insured party.” This following language, such natural person applicant or business entity applicant, was added to mirror the language used in Chapter 77-20(A).

# **Exhibit A**

## Article II. Solicitors

### § 77-15. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

#### SOLICIT

The conditional sales of merchandise or the taking of orders for merchandise for further delivery when full payment is not required at the time of solicitation, or any sales made on approval.

#### SOLICITOR

Any person who goes from place to place, house to house or dwelling unit to dwelling unit within a multidwelling building or who stands in any street, sidewalk or public place taking or offering to take orders for goods, wares or merchandise for future delivery or for services to be performed in the future.

### § 77-16. License required.

#### A.

No solicitor, as herein defined, over 16 years of age, except those exempt under the Connecticut General statutes or this chapter, shall solicit orders of purchase for any goods, wares or merchandise, including magazines and other printed matter, without first obtaining a license. Such license shall be issued by the ~~City Clerk~~ Police Chief or his designee, provided that such solicitor shall have fully complied with the provisions of this chapter and otherwise met its requirements and shall have made payment of the fee for said license.

#### B.

Each license so issued shall contain the full name and address of the solicitor, the license number, the year for which the license is valid and a nonremovable full-face photograph of the licensee.

#### C.

Each license so issued shall be prominently displayed upon the person of the solicitor at all times that said solicitor is engaged in the business of soliciting orders within the City of Norwalk.

### § 77-17. Exemptions.

The provisions of this Article shall not apply to:

#### A.

The sales by farmers and gardeners of the produce from their farms and gardens.

#### B.

The sale, distribution and delivery of food and beverages.

#### C.

The sale of newspapers.

D.

The sale of insurance.

E.

Sales made to retail or wholesale stores or to professional or industrial establishments.

F.

Sales by an individual or organization which is an authorized participant in a special permit event approved by the city and for which a special event permit has been issued.

### § 77-18. License application.

A.

Each solicitor who is subject to the provisions of this chapter, shall make application to the City ClerkPolice Chief or his designee for a license. All such applications shall be on a form provided by the City ClerkPolice Chief or his designee and shall include but not be limited to the following information:

(1)

The full name, home address, local address, if applicable, home and business telephone number and valid motor vehicle operator's license number or other approved form of identification of the applicant.

(2)

A physical description of the applicant, setting forth the applicant's date of birth, ~~and~~ social security number and State of Connecticut Taxation Number.

(3)

The ~~location~~ address of the applicant's principal office or placeoffice, place of business or employer, if applicable, and the name and address of the person or organization for whom or through whom orders are to be solicited or cleared.

(4)

The make, year, type and registration of any motor vehicle to be used for the soliciting of orders for the purchase of merchandise or services, if any.

(5)

The nature of the goods, wares or merchandise for which orders are to be solicited and the period of time during which the applicant intends to solicit orders.

(6)

A statement as to whether the applicant has ever had a solicitor's license revoked. A statement as to whether the applicant has ~~or~~ ever been convicted of a ~~any~~ type of felony ~~of any type or of a~~ misdemeanor and the penalty imposed, if any.

B.

In addition, the applicant shall submit a signature, two copies of a recent passport sized photograph of himself or herself and conclusive proof of possession of a State of Connecticut sales and use tax permit.

### § 77-19. Insurance required.

#### A.

Before any license, as provided by this Article, shall be issued, such natural person applicant or business entity applicant shall file with the ~~City Clerk~~Police Chief or his designee a certificate of insurance naming the City of Norwalk as the additional insured party. Said certificate of insurance shall be in a minimum amount of \$1,000,000 providing coverage against any and all damage and injury to property or person by reason of or related to the licensee's use of public streets, sidewalks or places to solicit orders for the purchase of merchandise or services. Said insurance shall be maintained throughout the duration of the license period, and failure to do so shall be a violation of this chapter. All certificates of insurance issued pursuant to this chapter shall contain a clause that 10 days' prior to written notice of cancellation or change shall be given to the ~~City Clerk~~Police Chief or his designee of the City of Norwalk.

#### B.

An applicant shall also submit an executed agreement to indemnify and hold harmless the City of Norwalk and its employees, officials and/or agents from any and all claims, actions, injuries or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the soliciting of orders for the purchase of merchandise or services by said applicant or the granting of a license to do so.

#### C.

Failure to comply with the requirements of this section shall be cause for the denial or revocation of the license.

### § 77-20. Issuance of license; fee.

#### A.

The Norwalk Police Department is authorized to issue a written license as required by § 77-16 to any proper natural person or business entity, which licenses shall be issued at a rate of \$200 for the license and \$50 for the application. The license shall be valid for one year from the date of issuance, unless suspended or revoked. License issued to a business entity shall authorize said entity to be represented by one named natural person only. If additional personal representatives are sought for a business entity, additional written licenses and applications will be required for each such additional natural person/representative and additional fees shall be collected accordingly. Licenses issued shall be signed by the Chief of Norwalk Police Department or his designee, shall contain a passport sized photograph as provided for in § 77-16 and § 77-18, shall state the expiration date for such license and shall contain such other information consistent with the purpose of this chapter as the Norwalk Police Department may require. ~~The fee for the insurance of a solicitor's license shall be \$100. Modification of the fee hereafter shall be made as set forth in the following subsection:~~

#### (1)

~~The Health, Welfare and Public Safety Committee shall, with the concurrence of the Common Council, make and alter fees for the solicitors license. The Committee shall establish the proposed fee and shall hold a public hearing thereon no less than seven and no more than 14 days from the date of notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the city. Within 90 days of receipt by the City ClerkPolice Chief or his designee of notice of the action taken by the Committee subsequent to the public hearing, the Common Council shall act upon the fee schedule. If the Council takes no action within 90 days, the rates and fees shall be deemed approved, and the City ClerkPolice Chief or his designee shall issue a notice so stating, which notice shall be maintained with the records of the Common Council. If the Council votes to disapproved the fee, it may itself establish any such fee or may ask the Committee to submit a revised fee to the Common Council.~~

B.

No fee shall be required from any resident of this state who is a veteran as defined by the Connecticut General Statutes, §Section 27-103 (Revision of 1958), as amended, provided that suitable evidence is presented of these facts by the applicant. No fees shall be required from any religious, charitable, fraternal or nonprofit organizations nor from representatives of such organizations; provided, however, that the City ClerkPolice Chief or his designee and the Chief of Police must both agree that any organization and its representatives fall within this exemption, and such organizations and their representatives shall file with such officials such information as they shall require to make such determination.

C.

Refusal to issue.

(1)

Upon completion of a license application and payment of the license fee, the City ClerkPolice Chief or his designee shall issue a solicitor's license to the applicant. However, the City ClerkPolice Chief or his designee may refuse to issue such license or shall revoke said license forthwith by written notice for any of the following reasons:

(a)

If the applicant has given false or misleading information on the application.

(b)

If the applicant fails to provide any information as required by this chapter.

(c)

If the applicant has been convicted of any misdemeanor, as defined in the Connecticut General Statutes, involving a lack of truthfulness, including but not limited to, fraud, extortion, bribery, blackmail, burglary, embezzlement, forgery, larceny, robbery and/or theft, -within the last five years.

(d)

If the applicant has been convicted of a felony of any typecrime involving fraud, unless five years has passed since the expiration of the applicant's felony sentence or parole.

(2)

Such issuance or refusal shall not be delayed longer than the requirements of a reasonable investigation may dictate.

### § 77-21. Duration of license.

Each license issued in accordance with this chapter shall be valid for the period of one year from the date of issuance, unless revoked or suspended. ~~calendar year in which it is issued and shall expire on the 31st day of December of that year.~~ Licenses shall not be transferable. No license shall be issued for any fractional period of a year nor shall any pro-rata payment be permitted.

### § 77-22. Restricted activities.

#### A.

A solicitor's license issued under the provisions of this chapter shall not constitute a license to enter any area where restrictions on public access are in effect.

#### B.

No solicitor shall engage in the soliciting of orders except between the hours of 8:00 a.m. to 8:00 p.m. and dusk.

### § 77-23. Conduct; receipts required.

Any person soliciting an order of purchase for future delivery of goods, wares and merchandise shall conduct himself or herself at all times in an orderly and lawful manner and shall give a written receipt, signed by the solicitor, of all orders so taken. Such receipt shall set forth a brief description of the goods, wares and merchandise ordered, the total purchase price thereof, the amount of down payment received by the solicitor from the purchaser and the approximate date of delivery.

### § 77-24. Violations and penalties.

Each order solicited in violation of the provisions of this chapter and each false statement or misrepresentation of fact for the purpose of obtaining a solicitor's license shall be deemed a separate offense and shall be subject to a \$100 fine ~~not exceeding \$100~~.

### § 77-25. Suspension or revocation of license.

In addition to any other penalty provided by the Code of the City of Norwalk or the Connecticut General Statutes, a violation of this chapter or of the terms of any license issued hereunder shall be grounds for the revocation of an issued license by written order of the ~~City Clerk~~ Police Chief or his designee, without the return of the license fee.

### § 77-26. Applicability of other licensing requirements.

The provisions of this chapter shall not be construed to exempt any person from securing any other license or paying any other license tax which may be authorized and imposed by the Connecticut General Statutes or by any provisions of the Code of the City of Norwalk.



# **Exhibit B**

City of Norwalk - Solicitor License Application - Pursuant to Chapter 77 of the City Ordinance

Name of Applicant: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Local Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_

Motor Vehicle License #: \_\_\_\_\_ CT Sales Tax ID #: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Nature of Business/Description of Product/Merchandise/Selling Methods: (Please give a brief description of selling methods, i.e. House to House, Street Vending, Private Parties held on City property, etc.) (Note: Only listed product/merchandise listed may be sold):  
\_\_\_\_\_

Name of Employer/Business: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ ST: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_

Description of Vehicle Used: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

License Plate # \_\_\_\_\_ ST \_\_\_\_\_ Registration \_\_\_\_\_

Has applicant ever been convicted of any crime (misdemeanor and/or felony) or motor vehicle offense: YES ( )  
NO ( ) If so, please give complete details (Date, Charges, Disposition, Location, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Applicant a Veteran: YES ( ) NO ( ). If yes, please provide a copy of your discharge form/papers (DD214) to the Norwalk Police Department.

I hereby agree to indemnify and hold harmless the City of Norwalk and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of product/merchandise.

I hereby certify that all of the statements herein contained are true and correct.

Sworn to and Subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PLEASE DO NOT WRITE BELOW THIS LINE  
\_\_\_\_\_

POLICE CLEARANCE

THE APPLICATION IS APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_  
Date: \_\_\_\_\_ Signature: \_\_\_\_\_

CITY CLERK

City of Norwalk - Business Entity Solicitor License Application - Pursuant to Chapter 77 of the City Ordinance

Name of Applicant: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Social Security #: \_\_\_\_\_ Tax ID #: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Name of Business: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Nature of Business/Description of Product/Merchandise/Selling Methods: (Please give a brief description of selling methods, i.e. House to House, Street Vending, Private Parties held on City property, etc.) (Note: Only listed product/merchandise listed may be sold):  
\_\_\_\_\_

Motor Vehicle License #: \_\_\_\_\_

Description of Vehicle Used: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

License Plate # \_\_\_\_\_ ST \_\_\_\_\_ Registration \_\_\_\_\_

Has applicant ever been convicted of any crime (misdemeanor and/or felony) or motor vehicle offense: YES ( ) NO ( ) If so, please give complete details (Date, Charges, Disposition, Location, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Applicant a Veteran: YES ( ) NO ( ). If yes, please provide a copy of your discharge form/papers (DD214) to the Norwalk Police Department.

Has applicant obtained insurance coverage with minimum limits totaling \$1,000,000.00 providing coverage against any and all damage and injury to property or person by reason of or related to the licensee's use of public streets, sidewalks or places to solicit orders for the purchase of merchandise or services? YES ( ) NO ( )

Has applicant provided a certificate of insurance naming the City of Norwalk as an additional insured party on the insurance coverage described in the preceding paragraph? YES ( ) NO ( ) If so, please provide a copy of the certificate of insurance to the Norwalk Police Department along with this application.

I hereby agree to indemnify and hold harmless the City of Norwalk and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of product/merchandise.

I hereby certify that all of the statements herein contained are true and correct.

Sworn to and Subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PLEASE DO NOT WRITE BELOW THIS LINE

\_\_\_\_\_  
POLICE CLEARANCE

THE APPLICATION IS APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

# **ARTS COMMISSION**

## MEMORANDUM TO FILE

Date: October 11, 2017

From: Brian Candela

**RE: Chapter 17A - Arts Commission bylaws and other questions for the October 17, 2017 meeting**

Enclosed please find the proposed changes to the Arts Commission's bylaws. Attached as **Exhibit A**. Pursuant to Chapter 17A-3, the Arts Commission has requested that the ordinance committee review and approve the draft bylaws so that it can be forwarded to Common Council for final approval. Attached as **Exhibit B**.

**1) Does the ordinance committee need to hold a public hearing after the Arts Commission's bylaws have been approved or can they be sent directly to the Common Council for final approval?**

Based on my research, the ordinance committee does not need to hold a public hearing before submitting these bylaws for final approval to the Common Council. Section 1-191.1 is entitled Public hearing as to ordinances. Section 1-191.1(A) states that before the "Common Council shall adopt any ordinances, the Council or a committee thereof shall hold a public hearing in relation thereto, at which all persons shall have an opportunity to be heard." Attached as **Exhibit C**. Section 1-191.1(B) allows the "Common Council as aforesaid or its committee may after the public hearing make such changes or alterations in the form or content of the proposed ordinance as seems appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice."

This section of the city code does not reference bylaws. In fact, no section of the city code mandates that bylaws be placed through the same process as ordinances.

**2) Does the Arts Commission have to retain a professional secretarial services to record the minutes of the meetings?**

Based on my research the Arts Commission does not need to retain a professional secretarial services to record the minutes of the meetings as I cannot locate any requirement in the Connecticut General Statutes or the City of Norwalk's code.

# **Exhibit A**

## **NORWALK ARTS COMMISSION**

### **BYLAWS**

#### **ARTICLE I** **THE COMMISSION**

Section 1. The Norwalk Arts Commission (hereafter referred to as the NAC) was established by the Common Council on February 28, 2017 pursuant to Chapter 17A Sections 17 A-1 through 17 A-3 of the Code of the City of Norwalk, as amended.

Section 2. The power of the NAC shall be exercised by a Commission consisting of eleven members.

#### **ARTICLE II** **PURPOSE and DUTIES**

Section 1. The purpose of the NAC shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations or as otherwise set forth in Section 17A-3 of the Norwalk City Code.

Section 2. In no event shall the acts or proposed acts of this Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

#### **ARTICLE III** **OFFICES**

Section 1. The principal office of the NAC shall be 125 East Avenue, Norwalk, Connecticut, or at other such location as shall be established from time to time by resolution of the Commission.

#### **ARTICLE IV** **MEMBERSHIP**

Section 1. The NAC shall consist of eleven (11) voting members. They shall include nine (9) members appointed by the Mayor with the consent of the Common Council and two members of the Common Council, but no more than one member from any political party. No person shall be appointed or reappointed to the Commission unless they are an elector of the City. Members of the Common Council representatives may appoint a continuous designee (alternate) to represent him/her.

Section 2. Members appointed by the Mayor with the consent of the Common Council after the initial staggered appointments in 2017 shall serve for a term of three years. The first commissioners appointed in 2017 shall serve staggered terms: three commissioners shall

serve for one year, three for two years, and three for three years. Any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Section 3. Common Council representatives or their designees shall serve from the date of his or her appointment until expiration or earlier termination of his or her term. Representatives from city departments, arts organizations and arts-related businesses may serve as ex officio without the right to vote.

Section 4. There shall also be a category of non-voting members and friends who may attend and participate in meetings and serve on standing and ad hoc committees. The commission invites and encourages the involvement of all interested community members and those who contribute to Norwalk's creative economy.

## **ARTICLE V**

### **OFFICERS AND EMPLOYEES**

Section 1. The officers of the NAC shall be a Chairman, Vice Chairman, Secretary and Treasurer who shall be voting members of the Commission.

Section 2. At its first meeting subsequent to July 1 of each year, the Commission shall nominate and elect by ballot a Chairman, Vice Chairman, Secretary and Treasurer to serve for one year or until their successors are elected. Their term of office shall commence on July first. Should the office of Chairman, Vice Chairman, Secretary or Treasurer become vacant, the Commission shall elect a successor at the next regular meeting, or special meeting called for that purpose, who shall serve for the remainder of the unfilled term.

Section 3. No member of the Commission shall hold more than one office at a time.

Section 4. The Chairman shall preside at all meetings of the Commission. ~~The Chairman shall sign all contracts and other instruments to be executed on behalf of the NAC, except as authorized by resolution of the Commission to execute such contracts or instruments. At all meetings of the Commission, the Chairman shall submit such recommendations and information as he or she may consider proper concerning the business affairs and policies of the NAC. The Chair shall prepare or cause to be prepared an annual report to the Common Council of the City of Norwalk to summarize the Commission's work over the course of the year.~~

Section 5. The Vice Chairman shall perform all duties of the Chairman in the absence or incapacitation of the Chairman.

Section 6. The Secretary shall take or cause to be taken proper minutes of all meetings of the Commission, shall keep a record of all proceedings of the Commission, and shall perform all duties commonly incident to this office. In the absence of the Chairman and Vice Chairman, the Secretary shall call the meeting to order and preside until the immediate election of a Chairman Pro Tem.

Section 7. The Treasurer shall oversee the commission's budget(s) including the timely review and submission of invoices for payment, preparation of monthly financial statements, and development of annual operating and other budgets as needed.

Section 8. The officers shall perform such other duties and functions as may from time to time be prescribed by the Commission.

Section 9. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

Section 10. No member of the Commission or employee of the NAC or any corporation, partnership or firm in which such member or employee has a financial interest, direct or indirect, shall do business with the NAC or have any financial interest, direct or indirect, in any business transacted by the NAC. **All members of the NAC shall be subject to all applicable local, state and federal ordinances, policies and laws including but not limited to those pertaining to ethics and ,Freedom of Information. ,procurement, etc.** ~~the Code of Ethics contained in Chapter 32 of the Norwalk Code, as it may be amended from time to time.~~

## **ARTICLE VI** **MEETINGS**

Section 1. The regular meetings of the Commission shall be held on the second Tuesday of each month at 8:30 AM in City Hall, unless otherwise ordered by the Chair~~man~~.

Section 2. Special meetings may be called by the Chair~~man~~ and shall be called upon the written request of three (3) members of the Commission for the purpose of transacting any business designated in the call. Except for cases of an emergency, at least forty-eight (48) hours notice shall be given by mail or delivery to each member of the Commission. Special meetings held by teleconference are permissible.

Section 3. Six (6) voting members of the Commission shall constitute a quorum for exercising powers of the Commission, but a smaller number may adjourn from time to time until a quorum is obtained. A vote of a majority of the voting members of the Commission present shall be necessary for any action taken by the Commission. An abstention from voting is considered not a vote for these purposes. When an elected/~~appointed~~ official and his/her designee are both in attendance at a meeting, only the elected/~~appointed~~ official shall be eligible to vote.

Section 4. At all meetings of the Commission the following order of business shall be observed, as far as consistent with the purpose of the meeting, although at any meeting ~~any~~ all items b) through e) may be dispensed with, or their order changed at the discretion of the Chair~~man~~:

- a) Reading and approval of the minutes of the previous meeting
- b) Reports of officers
- c) Reports of committees and staff
- d) Unfinished business
- e) Other Business
- f) Adjournment

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Commission.

## **ARTICLE VII**

### **PARLIMENTARY AUTHORITY**

Section 1. The rules contained in the current edition of Mason's Manual of Legislative Procedure shall govern the Commission in all cases to which they are applicable and in which they are not consistent with the bylaws and any special rules of order the Commission may adopt.

## **ARTICLE VIII**

### **BYLAWS**

Section 1. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations, including any proposed amendments, shall become effective upon approval by the Common Council.

# **Exhibit B**

City of Norwalk, CT  
Thursday, September 7, 2017

## Chapter 17A. Arts Commission

[HISTORY: Adopted by the City of Norwalk Common Council 2-28-2017. Amendments noted where applicable.]

### § 17A-1. Establishment; membership; appointment; terms of office.

- A. There shall be a Commission known as the "Norwalk Arts Commission." The Commission shall consist of 11 members, who shall be appointed by the Mayor, with the consent of the Common Council. The first Commissioners appointed shall be designated to serve staggered terms: three Commissioners shall serve for one year; three for two years; and three for three years. After the initial appointments, each Commissioner shall serve a term of three years. Any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant. No person shall be appointed or reappointed to the Commission unless he or she is an elector of the City.
- B. The Commission shall include two members of the Common Council, but no more than one member from any political party. The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall be filled by the Common Council.

### § 17A-2. Officers; Executive Director.

- A. At its first meeting subsequent to July 1 of each year, the Commission shall elect three officers, a Chairman, Vice Chairman and Secretary.
- B. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

### § 17A-3. Purposes and duties.

- A. The purpose of the Commission shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council.
- B. In no event shall the acts or proposed acts of this Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

# **Exhibit C**

therein, and may prescribe fines, penalties and forfeitures for the violation of any such ordinances.

**§ 1-191.1. Public hearing as to ordinances.**

- A. Before the Common Council shall adopt any ordinance, the Council or a committee thereof shall hold a public hearing in relation thereto, at which all persons shall have an opportunity to be heard. Notice of the time and place of such hearings, together with a copy of the ordinance proposed, shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Norwalk. Said publication shall be not more than 15 nor less than seven days prior to the date of such public hearing. **(Amended by Charter Amendment 9-2-1980.<sup>57</sup>)**
- B. The Common Council as aforesaid or its committee may after the public hearing make such changes or alterations in the form or content of the proposed ordinance as seems appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice.
- C. The provisions of this section shall not apply to ordinances which are designated by the Common Council as emergency in nature and requiring immediate action. **(Added by Charter Amendment 8-13-1974.<sup>58</sup>)**

**§ 1-192. Care and support of the poor; vacancies. (Sp. Laws 1913, No. 352, § 82.)**

The Council of said city shall have power to make, alter and repeal ordinances and bylaws relative to the care and support

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57. Editor's Note: Approved by the electorate at the general election held 11-4-1980.

58. Editor's Note: Approved by the electorate at the general election held 11-5-1974.

# **BIDDING & PURCHASING**

**MEMORANDUM TO FILE**

Date: October 11, 2017

From: Brian Candela

**RE: Chapter 19 – Bidding & Purchasing for the October 17, 2017 committee meeting**

Enclosed please find proposed changes to Chapter 19, entitled Bidding & Purchasing, for your review. Attached as **Exhibit A**. The purpose of this amended language is to broaden the definition of the circumstances under which the City of Norwalk would be permitted to disqualify a bidder. The current ordinance focuses on only nonpayment of financial obligations to the City of Norwalk. However, it is recommended that the language be expanded to include compliance with all obligations.

## Chapter 19. Bidding & Purchasing

[HISTORY: Adopted by the City of Norwalk Common Council 6-9-1992.  
Amendments noted where applicable.]

### GENERAL REFERENCES

Division of Purchasing -See § 1-241 of Charter.

#### § 19-1. Threshold for bidding.

[Amended 7-8-2014]

Pursuant to Connecticut General Statutes Section 7-148v, except as otherwise required by any provision of the General Statutes, sealed bidding shall not be required for contracts or purchases having a value less than or equal to \$20,000.

#### § 19-2. Procurement Guide.

[Added 11-9-1993]

Pursuant to Charter § 1-241 of the Code of the City of Norwalk, a Procurement Guide may be adopted by a majority vote of the Common Council, which Guide shall govern the Purchasing Department. The Guide shall be reviewed by the Finance Committee no later than every three years following its adoption.

[1] *Editor's Note: Procurement Guidelines were adopted 2-8-2005 by the Common Council of the City of Norwalk and last amended 7-8-2014. A complete copy of these guidelines and any amendments thereto are on file in the City offices. See also § 19-1, Threshold for bidding, above.*

#### § 19-3. Responsible bidders.

[Added 2-10-2015]

A. It is the policy of the City of Norwalk to award to the lowest responsible bidders for any contract. Any person or organization is deemed not to be a responsible bidder if such bidder:

- (1) Is not an equal opportunity employer.
- (2) Has been found by any court or administrative body of competent jurisdiction to be in violation of the National Labor Relations Act or State of Connecticut Department of Labor regulations concerning wage rates or local preference and relevant derivative regulations and such violation continues to exist as of the date of the contract award.

(3) Is in arrears to the City of Norwalk or any of its related entities upon any debt or contract or is in default of any obligation to the City of Norwalk or any of its related entities, including by way of example any payment ~~for~~ of real or personal property taxes, sewer us charges, parking fees or penalties, perm-it fees or penalties, or any other financial obligations (payment for services (- e.g. flagging and traffic control) and the filing of a personal/business property declaration with the Tax Assessor.:-

- B. The payment of any such obligation or debt owed to the City of Norwalk or any related -entity and/or the performance of any obligation shall be a condition ~~precedent~~ to precedent to the award -of any contract for the performance of work or furnishing of any services, equipment or materials to the City. The Purchasing Agent may require, prior to an award, written certification i-n a form acceptable to the City, indicating that any such obligation or debt has been paid in full, including all interest owed thereon and all applicable -penalties, and that any outstanding obligation has been satisfactorily performed.:-
- C. Such payment or performance shall not, however, preclude the City from considering the nature and amount of such debt owed (despite its having been paid) or obligation in default as bearing on a determination of the bidder's responsibility.
- D. Notwithstanding the above, the City may, in its discretion, determine a bidder not to be responsible despite the payment of all debts and performance of all obligations if such bidder has a history of nonpayment of debts or a repeated pattern of nonperformance of obligations ~~such~~ at any point within the past five years.
- E. Notwithstanding the above, the City may, in its discretion, determine a bidder not to be responsible if such bidder or a related legal entity has ~~unreured~~ incurred violations of the Norwalk City Code, or has had such a violation(s) within the past 12 months.
- F. Notwithstanding the above, the City reserves the right to reject any or all bids and/or bidders as it may consider to be in its best interests or when it is determined that the public interest would be served by doing so.
- G. Whenever any contract is not awarded to the lowest bidder, the City will provide a statement of the reasons for such rejection.