

~AD HOC REPORT~
HVCEO/SWRPA
Monday, September 29, 2014

(19)

Chairman Gregg Seabury called the meeting to order at 6:05 p.m. on Monday, September 29, 2014, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Michael Haddad and Peter Nero. Also present were Les Pinter and Dan Casagrande, Corporation Counsel; David Hannon, Housatonic Valley County Elected Officials (HVCEO); and members of the public.

Chairman Seabury introduced everyone present at the meeting and briefly explained the purpose of the meeting via a letter from Mayor Mark Boughton. Recent State legislation reduced the number of Statewide regional planning agencies from 15 to 9. With appropriate action, the Housatonic Valley County Elected Officials (HVCEO) would, along with the Southwest Regional Planning (SWRPA), be renamed the Western Connecticut Council of Governments. The Ad Hoc Committee was formed to adopt an appropriate Ordinance and Resolution, along with administrative steps to facilitate the transition by January 1, 2015.

Mr. Hannon described the background of the issue noting agencies such as HVECO shall change from groups of elected officials to merge with councils of governments. HVCEO and SWRPA choose to merge and create the Western Connecticut Council of Governments; to facilitate this, every municipality must pass an Ordinance to both merge with the new body and sunset the existing body. Councilmember Nero arrived at 6:10 p.m.

Mr. Casagrande noted the Ordinance is similar to what is being presented to all other HVCEO municipalities. 6 of the 10 HVCEO municipalities have adopted it as have 7 of the 8 SWRPA agencies. Once 60% of the combined region's agencies approve, as certified through the Town Clerks that the Ordinances have been adopted, the Secretary of OPM is empowered to designate the Western Connecticut Council of Governments as the new Council of Governments for the region. That designation has already taken place. The Ordinance, Section 7, creates a transitional Metropolitan Planning Organization (until the government designates a new MPO) as HVCEO has traditionally acted as the MPO for Federal Department of Transportation Funds.

Mr. Pinter responded to Councilmen Seabury's and Haddad's inquiries regarding the public hearing and that there are no outstanding issues to date.

Ms. Waller commented regarding the MPO and meeting place.

A motion was made by Councilman Haddad and seconded by Councilman Nero, to adopt the Ordinance regarding the transition of HVCEO and SWRPA into the new Western Connecticut Council of Governments, and submit it to the Council of the Whole for a public hearing and approval. The motion passed unanimously.

A motion was made by Councilman Nero and seconded by Councilman Haddad, that the Ad Hoc Committee be adjourned. The motion passed unanimously at 6:20 p.m.

Respectfully submitted,

Greg Seabury, Chairman

Michael Haddad

Peter Nero



RESOLUTION

19-1

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2014

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

**RESOLUTION REGARDING ESTABLISHMENT OF
TRANSITIONAL METROPOLITAN PLANNING ORGANIZATION
FOR HVCEO MUNICIPALITIES**

WHEREAS, the Housatonic Valley of Elected Officials ("HVCEO") has been designated since 1981 pursuant to federal and state law as the Metropolitan Planning Organization ("MPO") for the municipalities comprising HVCEO; and

WHEREAS, on or about June 19, 2014, HVCEO created a transitional MPO board ("Transitional MPO Board") to temporarily succeed to the rights and responsibilities of HVCEO as an interim MPO beginning on January 1, 2015 and continuing until the Governor designates a new MPO for either the former Housatonic Valley Planning Region or the newly established Western Connecticut Planning Region pursuant to 23 U.S.C. § 134; and

WHEREAS, the City desires to have the Mayor serve as a member of such Transitional MPO Board.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT the Mayor or his designee, shall serve as a member of the Transitional MPO Board, with all the rights, duties and responsibilities conferred by federal or state law upon such members. The Transitional MPO Board shall continue in existence for such time period as determined by its members.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2014

Be it ordained by the City Council of the City of Danbury:

**THAT THE CODE OF ORDINANCES OF DANBURY, CONNECTICUT IS HEREBY
AMENDED BY THE REPEAL OF Sections 2-7 through 2-9**
effective as of December 31, 2014 as follows:

~~Sec. 2-7. Housatonic Valley Planning Region; city participation—Approved.~~

~~Pursuant to the provisions of Chapter 127 of the General Statutes of the State of Connecticut, Revision of 1958, as amended, the city hereby adopts the provisions of said chapter and elects to participate in the regional planning agency now or henceforth existing under authority of said chapter in the Housatonic Valley Region as defined by the Connecticut Development Commission pursuant to the provisions of said chapter.~~

~~Sec. 2-8. Same—Membership; term; vacancies.~~

~~(a) *Membership.* The city having a population of 39,382 according to the federal census of 1960, shall have three (3) authorized representatives of the agency.~~

~~(1) The mayor shall appoint to the agency two (2) electors of the city. One (1) appointee shall serve an initial term of one (1) year and one (1) appointee shall serve an initial term of two (2) years. Thereafter, all appointees shall serve two (2) years.~~

~~(2) The planning commission of the city, duly constituted, shall appoint one (1) elector to the agency for a term of two (2) years.~~

~~(b) *Term.* Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made or from the first organization meeting of the agency, whichever is later.~~

~~(c) *Resignation.* Any representative who is absent from three (3) consecutive regular meetings of the regional planning agency and any intervening duly called special meetings thereof shall be considered to have resigned from said body except that the requirements of this section may be waived by the mayor for good cause.~~

~~(d) *Vacancies.* Vacancies created by resignation or inability to serve shall be filled by the mayor for the remainder of the unexpired term.~~

~~Sec. 2-9. Housatonic Valley Region Council of elected officials; city participation.~~

~~The City of Danbury hereby adopts the provisions of Section 32-7 of the Connecticut General Statutes, as amended, and hereby authorizes and directs the mayor to meet in counsel with the chief executive officers of such other towns in the Housatonic Valley~~

~~Region, as defined by the Connecticut State Development Commission, and it be authorized to adopt the provisions of such section.~~

~~In connection with said Housatonic Valley Region council of elected officials, as and when formed, the said mayor of the City of Danbury shall have all the powers and authority and be subject to all of the restrictions and regulations as set forth in said statutes.~~



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2014

Be it ordained by the City Council of the City of Danbury:

That the Code of ordinances of Danbury, Connecticut is hereby amended by the addition of (NEW) Sections 2-6, 2-7, 2-8 and 2-9 as follow:

Sec. 2-6. Statement of Purpose.

The City has heretofore been a designated member municipality of the Housatonic Valley Planning Region, and is a member of the Housatonic Valley Council of Elected Officials ("HVCEO"), a regional council of elected officials and regional planning agency serving the Housatonic Valley Planning Region. Pursuant to C.G.S. § 16a-4c(b) (as amended by Public Act 13-247, § 249), the member municipalities of HVCEO and of the South Western Regional Planning Agency ("SWRPA") have agreed to consolidate the Housatonic Valley Planning Region and the South Western Planning Region into a single planning region. On or about December 6, 2013, the Office of Policy and Management of the State of Connecticut ("OPM") redesignated the Housatonic Valley Planning Region and the South Western Planning Region as the Western Connecticut Planning Region. Pursuant to Public Act 13-247, § 250 each regional planning agency and regional council of elected officials within a planning region must restructure as a single regional council of governments on or before January 1, 2015. HVCEO and SWRPA have determined to restructure themselves as the Western Connecticut Council of Governments. The City desires to join the Western Connecticut Council of Governments by and through approval of this ordinance.

Sec. 2-7. Creation of Western Connecticut Council of Governments.

(a) The City hereby joins with other adopting municipalities of the Western Connecticut Planning Region to create a regional council of governments to be known as the Western Connecticut Council of Governments, by adopting the provisions of C.G.S. §§4-124i - 4-124p, as amended by Public Act 13-247, and further amended by Public Act 14-217, §§ 228 and 256.

(b) Certification by the Secretary of OPM; Transitional Executive Committee and Transitional Period.

(1) Upon certification by the Secretary of OPM that at least sixty percent of the municipalities in the Western Connecticut Planning Region have adopted ordinances creating a regional council of governments, as required by the Connecticut General Statutes, the Western Connecticut Council of Governments shall be established.

(2) Upon such certification, a transitional period (hereafter the "Transitional Period") shall commence, and shall conclude no later than January 1, 2015. During such period the Mayor shall participate as a member of the Transitional Executive Committee, as defined and for the purposes set forth in Section 4-124l(b) of the Connecticut General Statutes, as amended by Public Act 14-217, §§ 228 and 256. The City Council may appoint, in the manner provided by

ordinance, an elected official to serve as an alternate member of the Transitional Executive Committee in the absence of the Mayor. The Mayor also may send a representative in his or her stead; however, such representative shall not be a member of the Transitional Executive Committee.

(3) Except as provided in Section 2-8 below, at the conclusion of the Transitional Period, the Transitional Executive Committee shall cease to exist, and the Western Connecticut Council of Governments shall succeed to and be responsible for all of the rights, privileges and obligations of HVCEO and SWRPA, whether statutory or contractual, relating to such active programs as may be recommended by the Transitional Executive Committee and adopted by the Western Connecticut Council of Governments following appropriate due diligence and good faith negotiations during the Transitional Period.

(4) Membership in the Western Connecticut Council of Governments. At the conclusion of the Transitional Period, the City shall be a member of the Western Connecticut Council of Governments.

(5) Powers and Duties of the Western Connecticut Council of Governments. Except as provided in Section 2-8 below, the Western Connecticut Council of Governments shall have such powers, purposes, rights, duties and responsibilities of regional councils of governments as are set forth in the Connecticut General Statutes, currently and as amended.

(6) Representative to the Western Connecticut Council of Governments. The Mayor shall be the representative of the City to the Western Connecticut Council of Governments, and shall have all the powers and authority and be subject to all obligations and restrictions as are set forth in the Connecticut General Statutes, currently and as amended, regarding regional councils of governments. The Mayor may appoint, subject to the approval of the City Council, an elected official for the City to serve as an alternate representative in the absence of the Mayor. The Mayor may send the alternate to meetings in his or her stead; and the alternate in that instance shall be entitled to the same rights and privileges as the Mayor. The City shall notify the Western Connecticut Council of Governments in writing of the appointment of an alternate under this section. The City shall be entitled to one vote in the affairs of the Western Connecticut Council of Governments.

Sec. 2-8 HVCEO's Continued Existence During Transitional Period.

The City shall remain a member of HVCEO as it continues to operate and wind down as a regional council of elected officials and regional planning agency until the end of the Transitional Period. After the Transitional Period ends, the City also may create, together with the other former HVCEO member municipalities, an unincorporated association to assume and administer all rights, privileges and obligations of HVCEO that the Transitional Executive Committee, in its sole discretion, deems unacceptable for assumption by the Western Connecticut Council of Governments. The Mayor shall be the City's representative to such association.

Sec. 2-9. Withdrawal from HVCEO. Pursuant to § 8-36a of the Connecticut General Statutes, the City hereby withdraws as a member of HVCEO, effective as of the expiration of the Transitional Period.