

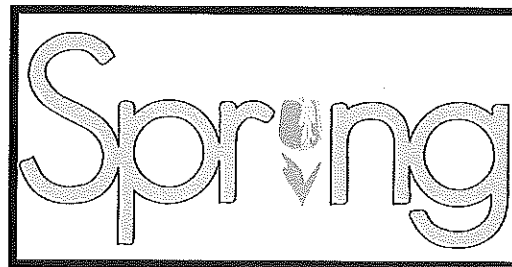
# **COURT OF COMMON COUNCIL**



## **AGENDA**

**MEETING MARCH 25, 2019**

**7:00 P.M.**



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

# 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

## Report

March 11, 2019

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 Operations, Management, Budget, and Government Accountability Committee held a special meeting on February 25, 2019 at 5:30pm in Council Chambers to discuss the following referred item as reflected on the committee agenda.

### Item #8

**Communication from Mayor Bronin, with accompanying resolution authorizing the City of Hartford to sell a portion of the Burr School site at the corner of Meadow and Ledyard Streets to the Boys and Girls Clubs of Hartford for one dollar and to sign any easements required by utility providers.**

The following were present: Committee Co-Chairwoman Glendowlyn L. H. Thames, Co-Chairman Thomas J. Clarke II, Majority Leader James Sánchez, Minority Leader Wildaliz Bermudez Councilwoman Maly Rosado, non-committee council members, Assistant Majority Leader John Gale, Councilwoman rJo Winch, Councilman Larry Deutsch and Councilwoman Claudine Fox.

Also present were, Thea Montanez, Chief of Staff and COO, Howard Rifkin, Corporation Counsel, Jim Del Visco, Corporation Counsel, Reginald D. Freeman, Fire Chief/Emergency Management

Director, Susan M. Webster, Director of Emergency Services & Telecommunications, Erik Johnson, Director Development Services, Walter Veselka, Director Department of Public Works, Dustin Rendock, Deputy Chief Hartford Police Department, Brett Flodine, Manager MHIS, Tonja D. Nelson, Program Supervisor Department of Development Services Division of Housing, Mike Bruce, Supervisor of Emergency Services Telecommunications, David Grant, Executive Assistant Office of the Mayor, Frank Dellaripa, City Engineer and Assistant Director for the City of Hartford, Greg Davis, Board President, Hartford Public Library, Philip Will, General Partner of Wolcott Place Associates, LCC., Carlos Valhino, Managing Member of Wolcott Place Associates, LLC., Rohan Freeman, President of Freeman Companies, Matthew Chalifour, Manager for Freeman Companies, Shawonda Swain, VP of Operations and COO, Boys & Girls Club of Hartford, CT and other concerned citizens.

Thea Montanez, Chief of Staff and COO, Howard Rifkin, Corporation Counsel, Greg Davis, Board President Hartford Public Library, and Shawonda Swain, VP of Operations and COO for the Boys & Girls Club of Hartford, CT explained the purpose of the resolution concerning the authorization of the City of Hartford to sell a portion of the Burr School site at the corner of Meadow and Ledyard Streets to the Boys and Girls Clubs of Hartford for one dollar. In addition, authorization is requested to allow for the signing of any easements required by utility providers on the remaining school property or in the streets as needed for construction of the center.

Ms. Montanez and Mr. Rifkin shared with the OMBGA Committee that last month a resolution was adopted by the Hartford Board of Education to relinquish control of a portion of the school property not needed for the school and authorized the Hartford Public School Superintendent to work with the City administration to determine the boundaries of the area available for the Boys & Girls Clubs of Hartford.

A discussion ensued amongst the OMBGA committee and Ms. Montanez, Mr. Rifkin, Mr. Davis and Ms. Swain regarding the recreation center usage and public hearing.

A motion was made by Councilman Thomas J. Clarke II and seconded by Majority Leader James Sánchez to send this item to full Council with a favorable recommendation with a public hearing notice for March 18, 2019 with respect to the purchase sale of the property subject to a review by Corporation Counsel as to the need for the hearing.

**Vote Taken: (5-0-0-Absent- 0-Recused- Pass)**

Co-Chairwoman Thames: Yes  
Co-Chairman Clarke II: Yes  
Councilman Sánchez: Yes  
Councilwoman Bermúdez: Yes  
Councilwoman Rosado: Yes

Respectfully Submitted,



Glendowlyn L. H. Thames  
Co-Chairwoman of OMBGA



Thomas J. Clarke II  
Co-Chairman of OMBGA



**Luke A. Bronin**  
**Mayor**

February 13, 2019

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: Sale of Property to Boys and Girls Clubs of Hartford**

Dear Council President Thames,

Attached for your consideration is a resolution that would authorize the City of Hartford to sell a portion of the Burr School site at the corner of Meadow and Ledyard Streets to the Boys and Girls Clubs of Hartford for one dollar. The Boys and Girls Clubs will build a recreation center for children, which will be the fifth Club center in Hartford. My office has been working with the Boys and Girls Clubs on this new project for approximately one year. During that time, the Boys and Girls Clubs has met with community stakeholders including the Maple Avenue Revitalization Group and students, parents, and teachers of Burr School.

The Board of Education has already passed a resolution to relinquish control of an area on site that is to be specifically determined by the Superintendent and the City of Hartford, because the current property is larger than necessary to operate the school.

This proposed resolution will also authorize the City to sign any easements required by utility providers on the remaining school property or in the streets as needed for construction of the recreation center.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bronin", is written over the typed name.

Luke A. Bronin  
Mayor

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

SUBSTITUTE RESOLUTION

**INTRODUCED BY:**  
Luke A. Bronin, Mayor

**COURT OF COMMON COUNCIL**  
City of Hartford, March 11, 2019

**WHEREAS**, The City of Hartford owns property located at 388 and 400 Wethersfield Avenue, which is the location of the Burr School; and

**WHEREAS**, The Boys and Girls Clubs of Hartford has expressed interest in leasing the southeastern corner of the Burr School site, now consisting of open space, for construction of a recreation center for children; and

**WHEREAS**, The Board of Education has resolved to relinquish control of a portion of the school property not needed for the school and has authorized the Superintendent to work with the City administration to determine the boundaries of the area to be available for the Boys and Girls Clubs of Hartford; now, therefore, be it

**RESOLVED**, That the Mayor is authorized to work with the Superintendent to determine the boundaries of the site and to lease such property to the Boys and Girls Clubs of Hartford, or its designee, for one dollar; and be it further

**RESOLVED**, That the Mayor is authorized to execute any and all manner of documents and to take such actions as he and the Corporation Counsel may deem appropriate and in the best interest of the City in order to lease such property; and be it further

**RESOLVED** That the Mayor is authorized to execute utility easements in the remaining Burr School property or in the adjoining streets, and execute any contracts or other documents as may be necessary and proper to facilitate construction of the recreation center; and be it further

**RESOLVED**, That no person or entity shall be entitled to rely on or otherwise claim any benefit by reason of this resolution should the Mayor fail to execute any documents, or to take any of the other aforesaid actions; and be it further

**RESOLVED**, That all approvals and authorizations provided hereby are contingent upon, and only shall be effective on and by means of, the parties executing such documents, and taking such actions, all of which shall be, in form and substance, acceptable to the Mayor and the Corporation Counsel.

## SUBSTITUTE

Introduced by: Mayor Luke A. Brohin

HEADING  
AND  
PURPOSEAN ORDINANCE AMENDING CHAPTER 2A - PENSIONS, SECTION 2A-5 AND  
CREATING NEW SECTIONS 2A-45, 2A-46, AND 2A-47 OF THE HARTFORD  
MUNICIPAL CODECOURT OF COMMON COUNCIL,  
CITY OF HARTFORDSeptember 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 MIERF, 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 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.

Introduced by:

THOMAS J. CLARKE II, COUNCILMAN

ITEM#

37

ON AGENDA

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 4,  
SECTION 2-352<sup>1</sup> OF THE HARTFORD MUNICIPAL CODE

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

February 13, 2018

Be It Ordained 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 retainment 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.

<sup>11</sup> Ord. No. 19-08, 7-14-08; Ord. No. 17-11, 5-23-11.



Introduced by:

HEADING  
AND  
PURPOSE

Minority Leader Wildaliz Bermudez

ITEM# 38 ON AGENDA

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.

Introduced  
by:

HEADING  
AND  
PURPOSE

Minority Leader Wildaliz Bermudez  
Councilman Thomas J. Clarke II  
Councilwoman Claudine Fox  
Councilwoman rJo Winch  
Councilman Larry Deutsch

ITEM# 39 ON AGENDA

AN ORDINANCE AMENDING CHAPTER 2 OF THE HARTFORD MUNICIPAL  
CODE.

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

November 13, 2018

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

That Chapter 2, Article II of the Municipal Code of the City of Hartford be amended, adding  
Section 2-48 and Section 2-49, as follows:

Section 2-48. Establishing the power of the City Council to protect city residents.

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

Discriminatory shall mean (1) disparate treatment of any individual(s) because of any real or perceived traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Connecticut, or the City Charter or any law of the City of Hartford, or because of their association with such individual(s), or (2) disparate impact on any such individual(s) having traits, characteristics, or status described in subsection (1).

Disparate impact shall mean an adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Connecticut, or the City Charter or any law of the City of Hartford than by similarly situated individual(s) not having such traits, characteristics, or status.

Municipal entity shall mean any municipal government, agency, department, bureau, division, or unit of this city.

Surveillance data shall mean any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.

Surveillance technology shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal,

biometric, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

1. Surveillance technology includes, but is not limited to: (a) unmanned aerial vehicles; (b) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (c) automatic license plate readers; (d) electronic toll readers; (e) closed-circuit television cameras; (f) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (g) mobile DNA capture technology; (h) gunshot detection and location hardware and services; (i) x-ray vans; (j) video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (k) surveillance enabled or capable lightbulbs or light fixtures; (l) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (m) social media monitoring software; (n) through-the-wall radar or similar imaging technology; (o) passive scanners of radio networks; (p) long-range Bluetooth and other wireless-scanning devices; (q) radio-frequency I.D. (RFID) scanners; and (r) software designed to integrate or analyze data from surveillance technology, including surveillance target tracking and predictive policing software. The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any municipal entity.
2. Surveillance technology does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in subsection (a): (a) routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions; (b) Parking Ticket Devices (PTDs); (c) manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) municipal agency databases that do not and will not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; and (f) manually-operated technological devices that are used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

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.

Viewpoint-based shall mean targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

(b) A municipal entity must obtain City Council approval, subsequent to a mandatory, properly-noticed, germane, public City Council hearing at which the public is afforded a fair and adequate opportunity to provide written and oral testimony, prior to engaging in any of the following:

1. Seeking funds for new surveillance technology, including but not limited to applying for a grant, or soliciting or accepting state or federal funds or in-kind or other donations;
2. Acquiring or borrowing new surveillance technology, whether or not that acquisition is made through the exchange of monies or other consideration;
3. Using new or existing surveillance technology for a purpose or in a manner not previously approved by the City Council in accordance with this ordinance, including the sharing of surveillance data therefrom; or
4. Soliciting proposals for or entering into an agreement with any other person or entity to acquire, share or otherwise use surveillance technology or surveillance data.

If City Council does not hold a public hearing regarding a municipal entity's request to engage in the aforementioned actions within one hundred and twenty (120) days of the municipal entity commencing the process of seeking City Council approval, the City Council's inaction shall be deemed a rejection of the proposal. City Council may request additional information from a municipal entity at any point before giving approval.

(c) To commence the process of seeking City Council approval, pursuant to subsection (b), to fund, acquire, or use surveillance technology or to enter into an agreement concerning such funding, acquisition, or use, a municipal entity shall submit to the City Council and make publicly available a Surveillance Impact Report and Surveillance Use Policy concerning the technology at issue.

1. No use of surveillance technology by a municipal entity pursuant to subsection (b) shall be permitted without the City Council's express approval of the related Surveillance Impact Report and Surveillance Use Policy submitted by the municipal entity pursuant to subsection (c).
2. Use of an unmanned aerial vehicle management platform may be used by a municipal entity to provide rapid deployment software for unmanned aerial vehicles and track relevant unmanned aerial vehicle flight data for use in the Surveillance Impact Report and Surveillance Use Policy.
3. Prior to approving or rejecting a Surveillance Impact Report or Surveillance Use Policy submitted pursuant to subsection (c), the City Council may request revisions be made by the submitting municipal entity.

(d) Surveillance Impact Report: A Surveillance Impact Report submitted pursuant to subsection (c) shall be a publicly-released, legally enforceable written report that

includes, at a minimum, the following:

1. Information describing the surveillance technology and how it works, including product descriptions from manufacturers;
  2. Information on the proposed purpose(s) of the surveillance technology;
  3. If the surveillance technology will not be uniformly deployed or targeted throughout the city, information concerning the factors will be used to determine where, when and how the technology is deployed or targeted;
  4. Results and Information gathered with unmanned aerial vehicle Management Software on unmanned aerial vehicle flight data;
  5. The fiscal impact of the surveillance technology; and
  6. An assessment identifying with specificity:
    - A. Any potential adverse impacts the surveillance technology, if deployed, might have on civil rights, civil liberties, and individuals privacy; and
    - B. What specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts identified pursuant to subsection (d)(5)(A).
- (e) Surveillance Use Policy: A Surveillance Use Policy submitted pursuant to subsection (c) shall be a publicly-released, legally enforceable written policy governing the municipal entity's use of the surveillance technology that, at a minimum, includes and addresses the following:
1. Purpose: What specific purpose(s) the surveillance technology is intended to advance.
  2. Authorized Use: For what specific capabilities and uses of the surveillance technology is authorization being sought, and
    - A. What legal and procedural rules will govern each authorized use;
    - B. What potential uses of the surveillance technology will be expressly prohibited, such as the warrantless surveillance of public events and gatherings and warrantless surveillance at or near venues that house children under the age of eighteen, such as schools, playgrounds, day care centers or group homes; and
    - C. How and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the surveillance technology be analyzed and reviewed.



3. Data Collection:

- A. What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology;
- B. What surveillance data may be inadvertently collected during the authorized uses of the surveillance technology, and what measures will be taken to minimize the inadvertent collection of data; and
- C. How inadvertently collected surveillance data will be expeditiously identified and deleted. Any inadvertently collected surveillance data containing the identity of children under eighteen should be immediately deleted absent a youth being specifically listed in an authorized warrant. In the case of a warrant specifically listing a youth, the identity of other children and youth under eighteen must be protected.

4. Data Protection: What safeguards will be used to protect surveillance data from unauthorized access, including encryption and access control mechanisms.

5. Data Retention: Insofar as the privacy of the public can be severely compromised by the long-term storage of mass surveillance data, what rules and procedures will govern the retention of surveillance data, including those governing:

- A. For what limited time period, if any, surveillance data will be retained. Such information shall include a statement explaining why the designated retention period is no greater than that which is absolutely necessary to achieve the specific purpose(s) enumerated in the Surveillance Use Policy;
- B. What specific conditions must be met to retain surveillance data beyond the retention period stated in subsection (e)(5)(A); and
- C. By what process surveillance data will be regularly deleted after the retention period stated in subsection (e)(5)(A) elapses and what auditing procedures will be implemented to ensure data is not improperly retained.

6. Surveillance Data Sharing: If a municipal entity is seeking authorization to share access to surveillance technology or surveillance data with any other governmental agencies, departments, bureaus, divisions, or units, it shall detail:

- A. How it will require that the collection, retention, and storage of surveillance data be conducted in compliance with the principles set forth in 28 C.F.R. Part 23, including but not limited to 28 C.F.R. Part 23.20(a), which states that a government entity operating a surveillance program "shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity."
- B. Which governmental agencies, departments, bureaus, divisions, or units

will be approved for (i) surveillance technology sharing, and for (ii) surveillance data sharing;

- C. How such sharing is necessary for the stated purpose and use of the surveillance technology, including any unmanned aerial vehicle management platform utilized;
- D. How it will ensure any entity's sharing access to the surveillance technology or surveillance data complies with the applicable Surveillance Use Policy and does not further disclose the surveillance data to unauthorized persons and entities; and
- E. What processes will be used to seek approval of future surveillance technology or surveillance data sharing agreements from the municipal entity and City Council.

- 7. Demands for Access to Surveillance Data: What legal standard must be met by government entities or third parties seeking or demanding access to surveillance data.
- 8. Auditing and Oversight: What mechanisms will be implemented to ensure the Surveillance Use Policy is followed, including what independent persons or entities will be given oversight authority, and what legally enforceable sanctions will be put in place for violations of the policy.
- 9. Complaints: What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the municipal entity will ensure each question and complaint is responded to in a timely manner.
- 10. Children and Youth: What specific procedures shall be employed to ensure that the confidentiality and privacy rights of children and youth under the age of eighteen are not violated.

- (f) No later than one hundred twenty (120) days following the effective date of this ordinance, any municipal entity seeking to continue the use of any surveillance technology that was in use prior to the effective date of this ordinance, or the sharing of surveillance data therefrom, must commence a City Council approval process in accordance with subsection (b). If the City Council has not approved the continuing use of the surveillance technology, including the Surveillance Impact Report and Surveillance Use Policy submitted pursuant to subsection (c), within one hundred eighty (180) days of their submission to the City Council, the municipal entity shall cease its use of the surveillance technology and the sharing of surveillance data therefrom until such time as City Council approval is obtained in accordance with this ordinance.
- (g) If more than one municipal entity will have access to the surveillance technology or surveillance data, a lead municipal entity shall be identified. The lead municipal entity shall be responsible for maintaining the surveillance technology and ensuring compliance with all related laws, regulations and protocols.

- (h) The City Council shall only approve a request to fund, acquire, or use a surveillance technology if it determines the benefits of the surveillance technology outweigh its costs, that the proposal will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group. To assist the public in participating in such an analysis, all approved Surveillance Impact Reports and Surveillance Use Policies shall be made available to the public, at a designated page on the relevant municipal entity's public website, for as long as the related surveillance technology remains in use. An approval for the funding, acquisition and/or use of a surveillance technology by the City Council, where the risk of potential adverse impacts on civil liberties or civil rights has been identified in the Surveillance Impact Report pursuant to subsection (d)(5)(A), shall not be interpreted as an acquiescence to such impacts, but rather as an acknowledgement that a risk of such impacts exists and must be affirmatively avoided.
- (i) A municipal entity that obtains approval for the use of a surveillance technology must submit to the City Council, and make available on its public website, an Annual Surveillance Report for each specific surveillance technology used by the municipal entity within twelve (12) months of City Council approval, and annually thereafter on or before March 15. The Annual Surveillance Report shall, at a minimum, include the following information for the previous calendar year:
1. A summary of how the surveillance technology was used; drone flight data as recorded through any drone management platform utilized;
  2. Whether and how often collected surveillance data was shared with any external persons or entities, the name(s) of any recipient person or entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
  3. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by individual census tract as defined in the relevant year by the United States Census Bureau, and whether the surveillance took place at or near a venue likely to house children and youth (such as a school, park, daycare center, community center, or the like). For each census tract, the municipal entity shall report how many individual days the surveillance technology was deployed and what percentage of those daily-reported deployments were subject to (A) a warrant, and (B) a non-warrant form of court authorization;
  4. Where applicable, and with the greatest precision that is reasonably practicable, the amount of time the surveillance technology was used to monitor Internet activity, the number of people affected, including the number of children and youth under the age of eighteen, and what percentage of the reported monitoring was subject to (A) a warrant, and (B) a non-warrant form of court authorization;
  5. A summary of complaints or concerns that were received about the surveillance technology;
  6. The results of any internal audits, any information about violations of the

Surveillance Use Policy, and any actions taken in response;

7. An analysis of any discriminatory, disparate, and other adverse impacts the use of the technology may have had on the public's civil liberties and civil rights, including but not limited to those guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution; and
  8. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.
- (j) Within thirty (30) days of submitting and publicly releasing an Annual Surveillance Report pursuant to subsection (i), the municipal entity shall hold one or more well-publicized and conveniently located community engagement meetings at which the general public is invited to discuss and ask questions regarding the Annual Surveillance Report and the municipal agency's use of surveillance technologies.
- (k) The City Council shall review each Annual Surveillance Report within three (3) months of its submission. Based upon information provided by the unmanned aerial vehicle management platform, if one is utilized, and in the Annual Surveillance Report, the City Council shall determine whether each surveillance technology identified in response to subsection (i), as used by the report-submitting entity, has met the standard for approval set forth in subsection (h) and, if not, whether the use of the surveillance technology shall be discontinued or if City Council will require modifications to the Surveillance Use Policy that will resolve the observed failures. These determinations shall be made by a majority vote of City Council members at the next City Council meeting, at which there is quorum, after the date the review of the report is required. The president or majority leader of City Council shall then direct the Hartford Corporation Counsel's Office to send a letter, within seven (7) days of City Council's vote, to the municipal entity notifying the entity that it may continue to use the surveillance technology, it shall discontinue the use of the surveillance technology, or it shall make modifications to the Surveillance Use Policy that will resolve the observed failures.
- (l) Not later than January 31 of each year, the City Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the preceding calendar year:
1. The number of requests for approval submitted to the City Council under this ordinance for the funding, acquisition, or new use of surveillance technology;
  2. The number of times the City Council approved requests submitted under this ordinance for the funding, acquisition, or new use of surveillance technology;
  3. The number of times the City Council rejected requests submitted under this ordinance for the funding, acquisition, or new use of surveillance technology;
  4. The number of times the City Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of surveillance technology; and

5. All Annual Surveillance Reports submitted pursuant to subsection (i). Printed copies of the public report may contain pinpoint references to online locations where the Annual Surveillance Reports are located, in lieu of reprinting the full reports.
  6. Data provided through any unmanned aerial vehicle management platform utilized, including but not limited to flight logs, number of deployments, and equipment maintenance.
- (m) Municipal employees or agents, except in response to a declared municipal, state, or federal state of emergency, shall not use any surveillance technology except in a manner consistent with policies approved pursuant to the terms of this ordinance, and may in no circumstances utilize surveillance technology in a manner which is discriminatory, viewpoint-based, or violates the City Charter, State Constitution, or United States Constitution. Any municipal employee who violates the provisions of this ordinance, or any implementing rule or regulation, may be subject to disciplinary proceedings and punishment. Any violation of the provisions of this ordinance shall be noted in the employee's human resources record.
- (n) No municipal entity or anyone acting on behalf of a municipal entity may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms, conditions, access to information, restrictions on due process rights, privileges of employment, or civil or criminal liability, because the employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data to any relevant municipal agency, municipal law enforcement, prosecutorial, or investigatory office, or City Council Member, based upon a good faith belief that the disclosure evidenced a violation of this ordinance.
- (o) It shall be unlawful for the city or any municipal entity to enter into any contract or other agreement that conflicts with the provisions of this ordinance, and any conflicting provisions in such contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable. Conflicting provisions in contracts or agreements signed prior to the enactment of this ordinance shall be deemed void and legally unenforceable to the extent permitted by law. This section shall not apply to collective bargaining agreements and related memorandums of agreement or understanding that pre-date this ordinance.
- (p) It shall be unlawful for the city or any municipal entity to enter into any contract or other agreement that facilitates the receipt of surveillance data from, or provision of surveillance data to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this ordinance that violate this section shall be terminated as soon as is legally permissible.
- (q) The provisions in this ordinance are severable. If any part or provision of this

ordinance, or the application of this ordinance to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

- (r) This ordinance shall take effect upon adoption.

Section 2-49. Use of unmanned aerial vehicles by City employees.

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

Employee means any person employed by the City in any capacity whether elected or appointed, whether as a classified employee, unclassified employee, or on a contractual basis, permanent or temporary, full-time or part-time and all employees of the board of education. Employee also includes any person employed by any City department, office or agency, and any person, whether appointed or under contract, who provides services for the City, or any other political subdivision of the City for which a pension is provided.

Employee of the Hartford Fire Department means the fire chief, fire marshal, and the officers and members of the Hartford Fire Department.

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

Municipal entity shall mean any municipal government, agency, department, bureau, division, or unit of this City.

Unmanned aerial vehicle means any contrivance used or designed for navigation of or flight in air that is power-driven and operated remotely or 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 of the City Charter. This subsection shall be enforced by the Hartford chief of police.
- (c) No person who, as part of his or her duties as a City employee, 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 City employee shall operate an unmanned aerial vehicle, unless:

(1) The City employee is a law enforcement officer; and

A. 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; or

B. 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.

(i) The Hartford Police Department must provide the City Council with a credible risk report within thirty (30) days in all incidences involving the operation of an unmanned aerial vehicle due to an exigent circumstance exemption. A credible risk report shall include the date the Hartford Police Department operated an unmanned aerial vehicle without a warrant; the facts leading the law enforcement officer to have probable cause to believe that a criminal offense was committed, was being committed, or would be committed; the facts the law enforcement officer relied upon to determine that exigent circumstances existed; and a narrative that offers the law enforcement officer's justification for using an unmanned aerial vehicle without a warrant; and unmanned aerial vehicle flight data.

(2) The City employee is a law enforcement officer, employee of the Hartford Fire Department, or a designated employee of the Hartford City Tax Collector's Office; and

A. The operation is pursuant to training activities conducted by the employee while on land owned or leased by the federal or state government and does not occur in an area that is substantially populated;

B. The operation is used to reconstruct or document a specific crime or accident scene, motor vehicle accident, or hazardous materials accident;

C. The operation is used to assist and manage pre-fire planning, high-rise fires, commercial and residential fires, and post-fire investigations; or

D. The operation is used to assist in and manage severe weather emergencies, flood events, or search and rescue missions involving

missing person investigations, AMBER Alerts, and Silver Alerts; or

E. The operation is used to take photos of property for the purposes of assessing the value of real property for local real estate taxation purposes.

(3) 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.

(4) 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.

(5) Any public event that has filed for a permit with the City of Hartford has requested public safety assistance and has over ten thousand (10,000) registered event participants.

(A) Event promoters and organizers must notify all registered participants at least one (1) day in advance of the event that the City of Hartford will deploy unmanned aerial vehicles during the event to surveille the public.

(6) Operation of an unmanned aerial vehicle shall not take place at or near venues that house children under the age of eighteen, such as schools, playgrounds, day care centers, or group homes unless there is a warrant for a specific individual. In the event that there is a warrant, steps must be taken to protect the confidentiality of all other individuals under the age of eighteen.

(7) The operation will not be used to replace a member of the civil service sector.

(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 information concerning parts of private property not visible from public property, to be ascertained or if the City employee 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 (3) or (4) 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 (1)(B), (2)(A), (2)(B), (2)(C), (2)(D), (2)(E) or (5) of subsection (d) of this section that concerns an individual or privately owned property shall be reviewed by the municipal entity that operated the unmanned



aerial vehicle not later than thirty (30) 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 municipal entity (A) shall destroy such information not later than forty-eight (48) 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 (5) years from the date of collection and, after such retention, shall destroy the modified information.

(3) If such information was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (1)(B), (2)(A), (2)(B), (2)(C), (2)(D), or (5) of subsection (d) of this section and 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 municipal entity may retain such information for a period of not more than five (5) 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. If such information was collected through the operation of an unmanned aerial vehicle pursuant to subdivision (2)(B) and allows the identity of an individual or privately owned property to be ascertained, the municipal entity (A) shall destroy such information not later than forty-eight (48) hours after its 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 (5) years from the date of collection and, after such retention, shall destroy the modified information. Information collected through the operation of an unmanned aerial vehicle pursuant to subdivision (2)(B) shall not be used in the prosecution of a crime.

(4) No municipal entity or City employee shall, by using facial recognition software, appearance similarity video synopsis software, or any similar technology, analyze information that was collected through the operation of an unmanned aerial vehicle.

(i) Not later than ninety (90) days after the Court of Common Council of the City of Hartford's adoption of this section, each municipal entity shall adopt and maintain a written policy that meets the policies set forth in this section. Each municipal entity's policy shall require all City employees who operate unmanned aerial vehicles to complete a Federal Aviation Administration approved training program to ensure proper use and operations. Prior to deploying or operating an unmanned aerial vehicle, each municipal entity shall obtain all applicable authorizations, permits, and/or certifications required by the Federal Aviation Administration, and these authorizations, permits, and certificates shall be maintained and current, as required by the Small Unmanned Aircraft Systems federal regulations, C.F.R. § T. 14, Ch. I, Subch. F, Pt. 107.

(j) Not later than ninety (90) days after the Court of Common Council of the City of Hartford's adoption of this section, the City of Hartford Corporation Counsel's office

will make accessible a standard incident report form for all applicable municipal entities, to 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 or had been, and (7) whether an arrest or arrests were made. The unmanned aerial vehicle incident report shall be completed, within seven (7) days of a City employee's use of an unmanned aerial vehicle, each time an unmanned aerial vehicle is used by a City employee. One hundred and eighty (180) days after the adoption of this section, a municipal entity that completed any unmanned aerial vehicle incident reports subsequent to the adoption of this section shall submit those reports to the City Council. After the first submission of reports one hundred and eighty (180) days after the adoption of this section, a municipal entity that completed any unmanned aerial vehicle incident reports since its last submission of reports to the City Council shall submit those reports to the City Council on March 15, June 15, September 15, and December 15 of each year. In addition to these biannually reports (every six months), a municipal entity that has completed any unmanned aerial vehicle incident reports subsequent to the adoption of this section shall provide, within seven (7) days, individual or multiple incident reports to the City Council if requested to do so by a City Council member.

- (k) Each municipal entity that operates unmanned aerial vehicles must include in its Annual Surveillance Report, as required by subsection (i) of Section 2-48 of the City Charter, a report that includes, but need not be limited to: (1) The number of times the municipal entity 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, (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 City employee, (8) whether the unmanned aerial vehicle was used to assist in and manage pre-fire planning, high-rise fires, commercial and residential fires, and post-fire investigations, (9) whether the unmanned aerial vehicle was used to assist in and manage severe weather emergencies, flood events, or search and rescue missions involving missing person investigations, AMBER Alerts, and Silver Alerts, (10) all credible risk reports for all incidents under which an unmanned aerial vehicle was operated due to exigent circumstances, and (11) whether the public was given notice for each incident in which a city agency operated a unmanned aerial vehicle.
- (l) Required liability insurance for unmanned aerial vehicles will be purchased by the City of Hartford, in accordance with state law, federal law, and any applicable regulations.
- (m) This ordinance shall take effect upon adoption.