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Memorandum

To: Mayor Michael A. Pavia; Board of Representatives; URC Board of Commissioners

From: Rachel Goldberg

Date: June 1, 2011

Copy File

Re: Report of the Mayor's Task Force on Governance

The attached document is intended to provide a response of the recommendation to disband the Stamford Urban Redevelopment Commission (the "Commission") contained in the Governance Task Force Report and in the Subcommittee Report. This memorandum is intended to highlight and provide a very brief summary of the salient points in the attached document. For purposes of brevity all exhibits have been attached in a separate package.

I **THE REPORT** is incomplete and inaccurate in several important respects. The stated goal of the Report is "to keep Stamford ahead of the curve in streamlining governance by assuring the efficiency of commissions and boards that serve the City without jeopardizing public safety or public services." The subcommittee report concludes by stating "The Committee believes the function of the URC should be given back to the Municipality (its elected officials) and that this function should be subject to the normal checks and balances of city government." The Task Force committee member who verbally presented the subcommittee report at the press conference stated that he did not know "how this would work" in response to an inquiry from the press. Indeed, the Report clearly indicates that the Task Force "did not investigate "next steps" in terms of legal or statutory requirements to act on [its] recommendations as we feel we did not have the necessary expertise to provide those opinions."

II THE LAND USE SUBCOMMITTEE REPORT suggests a change in City policy regarding the use of eminent domain based upon an assumption that the City will never need to use this power in the future; but there is no rational relationship between this Subcommittee assumption and the Task Force's stated goal of "streamlining" governance. The report ignores existing contracts with redevelopers and focuses on future land sales proceeds. It misstates and misapplies the state statutes regarding the role of the Commission and the findings necessary for dissolution of a redevelopment agency.

The function of a redevelopment agency cannot be simply "given" to the City's elected officials. The City must maintain a redevelopment agency because only a redevelopment agency can take all of the necessary legal and other actions to complete and/or carry out redevelopment and urban renewal projects.

III COMMUNICATIONS BETWEEN MAYOR PAVIA AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT are not in conflict. The Commission has stated that these land sale proceeds must be considered program income and used to complete the Urban Renewal Plan. It is only if the City were to fail to extend the Urban Renewal Plan and complete it or to decide next month that the plan is complete; that these future land sale proceeds could be considered a remaining fund balance and returned to HUD pursuant to the provisions contained in the Settlement Grant.

IV COMPLETION OF THE SOUTHEAST QUADRANT URBAN RENEWAL PLAN must be implemented by the Commission because under the statutory framework only "a redevelopment agency is authorized to plan and undertake urban renewal projects" (CGS §8-141); and (ii) "Any urban renewal project undertaken pursuant to section 8-141 shall be undertaken in accordance with an urban renewal plan for the area of the project" (CGS §8-142); and (iii) only a redevelopment agency is given "all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the federal government or other source and to exercise the other powers which this chapter confers on a redevelopment agency with respect to redevelopment projects." (CGS §8-142).

The City's role in an urban renewal project, in addition to the various approvals and authorizations, is "to do any and all things necessary to **aid and cooperate** in the planning and undertaking of an urban renewal project." (CGS §8-144, emphasis added).

V IMPLEMENTATION OF THE MILL RIVER CORRIDOR PROJECT PLAN is of critical importance, especially the pending TIF bond sale for the Mill River Corridor Project. The TIF district was established in 2001 as part of an approved redevelopment plan. Without a redevelopment agency the City may not issue the TIF bonds. CGS §8-134 very clearly states: "For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this

chapter, a municipality, **acting by and through its redevelopment agency**, is hereby authorized, subject only to the limitations and procedures set forth in this section, to issue from time to time bonds of the municipality..." (Emphasis added). Furthermore, the fact that the City is considering the dissolution of the Commission must be disclosed to the Underwriters, the rating Agency and in the Public Offering Statement.

VI DISSOLUTION AND REQUIRED FINDINGS PURSUANT TO CGS §8-126(b) were neither understood nor appropriately addressed by the Task Force and Subcommittee. The statute requires two findings, one of which was ignored and the other improperly applied.

VII EXISTING AGREEMENTS were neither reviewed nor discussed by the Task Force. The attached document identifies two such agreements and their importance to the City. Indeed, only last week, (May 27, 2011) Mayor Pavia authorized the Commission to continue discussions and develop a Memorandum of Understanding to facilitate the redevelopment of Parcel 38.

VIII PUBLIC POLICY CONSIDERATIONS in the Task Force Report were limited to one item – "the disposition of future proceeds from sale of property acquired with project funds." What happens to future land sale proceeds is not a policy consideration. There is agreement concerning the use of the money. The public policy considerations are the abilities and expertise that the Commission provides for the City; and the benefits to and for the City by utilizing the tools and unique powers and authorities provided by the statutory framework.

IX THE PROCESS employed by the Task Force did not comply with the meeting requirements of the Connecticut Freedom of Information Act (FOIA). The last meeting was held almost entirely in executive session, the legal basis for the executive session was not properly identified in the meeting notice as required by FOIA and minutes of the meeting have never been published in the Office of the Town Clerk or on the Task Force web page; all of which calls into doubt the legal basis for the issuance of the Task Force Report and its recommendations.

CONCLUSION Elimination of the City's redevelopment agency will neither streamline government nor improve the efficiency of the City; and without careful consideration before acting the City may jeopardize substantial public interests. The Task Force acknowledged it "did not investigate 'next steps' in terms of legal or statutory requirements to act on [its] recommendations as we feel we did not have the necessary expertise to provide those opinions."

RESPONSE TO GOVERNANCE TASK FORCE REPORT AND RECOMMENDATIONS AND THE TASK FORCE SUBCOMMITTEE REPORT AND RECOMMENDATIONS

I **THE REPORT:** the Governance Task Force Report (the "Report"),¹ is inaccurate and/or incomplete in a number of respects, as follows:

Originating Documents: The Report identifies three (3) sections of the Connecticut General Statutes (§§ 8-124, 8-126 and 8-126 (b)). This is incomplete and inaccurate.

The Urban Redevelopment Commission (the "URC") operates pursuant to the following statutory authorities and provisions:²

1. Redevelopment: CGS Chapter 130, §§ 8-124 through 8-139, attached hereto as Exhibit B. The URC was designated by the Board of Representative's (the "BOR") as the "Redevelopment Agency" for the City of Stamford. The first members of the Commission were appointed by the Board of Representatives on August 7, 1950. In 1954, the City's Corporation Counsel stated that, although the members had been appointed an ordinance or resolution confirming the initial formation of the Commission had never been enacted. In response to an opinion from the URC's bond counsel³ the BOR passed Ordinance #41 on August 2, 1954, formally creating the Urban Redevelopment Commission in accordance with Chapter 55 of the 1949 revisions of the Connecticut General Statutes (now Chapter 130).⁴
2. Urban Renewal: CGS Chapter 130, §§ 8-140 through 8-145, attached hereto as Exhibit E. In addition to its Redevelopment responsibilities and authorities, a redevelopment agency is authorized to undertake urban renewal projects (§8-141).⁵
3. Municipal Development: CGS Chapter 132, §§ 8-186 through 8-200b, attached hereto as Exhibit F. In 1994 the BOR passed Ordinance Number 744 designating the URC as the Development Agency for the City of Stamford.

¹ The relevant portions of the Report are attached hereto as Exhibit A.

² A more detailed review and analysis of all four statutory programs is included later in this document.

³ See correspondence between the URC and the Board of Representatives dated July 22, 1954, attached hereto as Exhibit C and an excerpt of the minutes of the August 2, 1954 Board of Representatives meeting, attached hereto as Exhibit D.

⁴ The Mill River Corridor Project (the "MRCP Project"), Project Plan (the "MRCP Plan") and Tax Increment Financing ("TIF") District are authorized and established pursuant to the redevelopment statutes.

⁵ The Southeast Quadrant (Extended) Urban Project Conn. R-43 (the "SEQ-UR Project") and Urban Renewal Plan (the SEQ-UR Plan") are authorized and established pursuant to the urban renewal statutes.

4. Economic Development & Manufacturing Assistance: CGS Chapter 588I, §§ 32-221 through 32-241, attached hereto as Exhibit G. Ordinance Number 744 also designated the URC as the Implementing Agency for the City of Stamford.⁶

Mission: This is a paraphrase from the Commission's web page. The actual "mission" is set forth in the enabling legislation of each of the four laws set forth above.

Meetings: The Report notes that the Commission held 5 meetings in 2009 and 5 meetings in 2010. While this is true it is only a portion of the story. The Commission has developed committees which focus on various projects or items of Commission business. These committees met at least 16 times in 2009 and 13 times in 2010.

Duplication of Jurisdictional Activities: It is worth noting that the report does not identify any City board, commission or department which duplicates the URC's jurisdiction and/or activities.

Public Policy: The only public policy consideration identified in the Report is the 1979 Closeout Agreement with HUD. The Closeout Agreement is actually a contract between the City and the URC with the concurrence of HUD. The URC does not believe that the Closeout Agreement is a matter of public policy, but a legal issue to be considered before any action is taken by the BOR in response to the Report. The public policy matters which the URC believes should be the topic of discussion with the Board of Representatives are discussed below.

II THE LAND USE SUBCOMMITTEE REPORT: The Task Force established four (4) subcommittees, each consisting of two members. The Land Use Subcommittee (the "Subcommittee"), was charged with reviewing and evaluating the URC. One member of the Subcommittee prepared an evaluation sheet (the "Subcommittee Report," a copy of which is attached hereto as Exhibit H) which reviewed and evaluated "the URC's role in making the City of Stamford a more effective and efficient municipality," "recommended its dissolution" and concluded that "the function of the URC should be given back to the Municipality (its elected officials) and that this function should be subject to the normal checks and balances of city government."⁷

The Subcommittee Report indicates that its recommendations were made on the basis of the following four areas of review, summarized as follows:

⁶ The Gateway District Project (the "Gateway Project") and Gateway District Plan (the "Gateway Plan") were established pursuant to all four statutory authorities, but rely primarily on the Municipal Development Act and the Economic Development & Manufacturing Assistance Act and were approved by the Connecticut Commissioner of Economic Development. The Board of Representatives approved the Gateway District Plan as a project plan for a development project, and development plan for a municipal development project on March 2, 1995.

⁷ The quotations are excerpts from the first and last paragraphs of the Subcommittee Report.

1. The unique powers of eminent domain that the URC possess: The Subcommittee Report identifies the controversial nature of the power of eminent domain and its belief that the City does not have a need for this power as one reason for its recommendation that the URC be dissolved.⁸ The URC believes that the use of its powers of eminent domain is a public policy matter and furthermore there is no rational relationship between this Subcommittee opinion and the Task Force's stated goal of "streamlining" governance.
2. Ongoing redevelopment plans and contracts: The Subcommittee Report identifies three (3) existing redevelopment projects and plans and discusses the impact of the Closeout Agreement and what will happen to land sales proceeds if the Commission is dissolved.⁹ The Subcommittee Report does not discuss ongoing discussions with the East Side Partnership to jointly develop and implement a "Next Generation" plan and project using one or more of the URC's statutory authorities.¹⁰ The Subcommittee Report neither identifies nor discusses any of the existing contracts with redevelopers, but instead focuses on a question of "what happens to the money." Again, there is no rational relationship to "streamlining" governance.
3. State statutory findings required to dissolve the URC: The Subcommittee Report misstates the requirements of the Connecticut State Statute as permitting the dissolution of the URC "as long as such action would facilitate receipt and processing of federal funds. A review of various departments within our city *may* determine that there are appropriate departments within City government that *may* facilitate this process." (Emphasis added).¹¹ CGS §8-126(b) actually provides: "The legislative body of any municipality may dissolve an agency authorized under subsection (a) of this section upon determination that [i] **such action would facilitate receipt and processing of federal funds** and [ii] **promote the purposes of this chapter**" (emphasis and roman numerals added). This statute clearly requires two (2) separate findings, as highlighted. The Subcommittee's conclusion that a review of city departments "may" result in a determination that some unidentified city department "may" facilitate receipt of federal funds is not an appropriate basis for the required statutory finding. Statutes such as §8-126(b) must be followed precisely. The definition of facilitate is "to make easier."¹² The mere fact that another department may apply for federal funds does not "facilitate" receipt of such funds.¹³

⁸ RBS is identified as an example of a project which was developed without eminent domain. The URC believes that the existence of the Mill River Corridor Project and Project plan were important incentives for RBS to relocate its North American headquarters to Stamford.

⁹ The use of land sale proceeds is discussed together with the communications between the Mayor and HUD below. The Categorical Program Settlement Grant from HUD (Form HUD-7082) which was the subject matter of the Closeout Agreement is discussed below.

¹⁰ The East Side Partnership has signed a Memorandum of Understanding which creates a blueprint for this project.

¹¹ This quotation is taken from paragraph number 3 of the Subcommittee Report.

¹² See the Merriam-Webster Dictionary.

¹³ A discussion of the provisions in the redevelopment statute regarding applications for federal funds is included below.

Furthermore, the Subcommittee Report never addressed the second required finding, that the dissolution will “promote the purposes of Chapter 130 of the Connecticut General Statutes.

4. *URC as a tool for transformation of the City:* The Subcommittee Report opines that the URC intention to use “Reinventing Stamford” to develop a blueprint for Stamford, including “the role of the URC as the City’s developing agent” is “not the purpose of any agency such as the URC” and that “this is not the intent set forth in the state statutes.”¹⁴ The URC believes that this opinion demonstrates that the Task Force and its Subcommittee have either not read or understood the purposes of the four statutory authorities.

The Subcommittee’s conclusion that “the function of the URC should be given back to the Municipality (its elected officials) and that this function should be subject to the normal checks and balances of city government” demonstrates a failure to recognize and understand that the statutory authorities provide that only a redevelopment agency created in accordance with Chapter 130 may exercise the powers in the Redevelopment and Urban Renewal statutes; only a “development agency” created in accordance with Chapter 132 may exercise the powers of the Municipal Development statutes; and only an “implementing agency” created in accordance with Chapter 588I may exercise the powers of the Economic Development & Manufacturing Assistance statutes. A detailed discussion of the powers contained in these statutes is included below.

III COMMUNICATIONS BETWEEN MAYOR PAVIA AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

On March 25, 2011, Mayor Pavia sent a letter to Mr. Gary Reisine, Director of Community Planning and Development in the Hartford Field Office of HUD, stating that the City plans to dispose of the property acquired with HUD funding and use the proceeds of the land sale to complete the urban renewal plan for the SEQ-UR Project. A copy of the Letter is attached as Exhibit I. The Mayor requested guidance from HUD with respect to the following two questions:

1. Is the City of Stamford authorized to recognize the proceeds from the sale of lands as program income and use that funding to complete the urban renewal plan for the City’s Southeast Quadrant, consistent with HUD CDBG regulations?
2. Does the termination or consolidation of its Urban Redevelopment Commission affect the use of program income, as long as program income is used consistent with HUD requirements?

HUD’s response, contained in a letter to Mayor Pavia from Julie B. Fagan, Hartford Field Office Director, and dated April 7, 2011, (a copy of which is attached hereto as Exhibit J) stated:

¹⁴ These quotes are taken from paragraph number 4 of the Subcommittee Report.

1. Yes, the City is not only obligated but required to use the land sale proceeds as program income to complete the SEQ-UR Plan.
2. HUD had no position with respect to the existence of the URC.

The URC's position is not in conflict with the communications between Mayor Pavia and HUD on this subject. However, while HUD has no position regarding the entity which completes the SEQ-UR Plan, the Connecticut state statutes do.

Use of Land Sales Proceeds

There appears to have been some misunderstanding of the URC's position concerning the use of land sale proceeds derived from funds received from HUD in 1978 pursuant to a Categorical Settlement Grant for the SEQ-UR Project and from earlier grants and loans. It is important to distinguish the federal HUD programs, regulations and requirements from the laws and requirements of the State of Connecticut.

The authority by which the City was able to apply for and receive federal funding for implementation of the SEQ-UR Plan is found in CGS §8-135, which states: "For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this chapter, a **municipality, acting by and through its redevelopment agency**, may accept grants, advances, loans or other financial assistance from the federal government..." (Emphasis added).

As noted above, the URC's position is not in conflict with HUD's on this subject. Specifically the Mayor asked "Is the City of Stamford authorized to recognize the proceeds from the sale of lands as program income **and use that funding to complete the urban renewal plan for the City's Southeast Quadrant**, consistent with HUD CDBG¹⁵ regulations?" (Emphasis added). The response from HUD was that the City is obliged to do so. The URC agrees, however our concern is with what must happen to the land sales proceeds if they are not used to complete the SEQ-UR Plan. The URC's concern stems from the suggestion that the City, upon dissolution of the URC, would declare the SEQ-UR Plan complete and permit the plan to expire. That course of action would create numerous legal and other issues, not the least of which is that the land sale proceeds, which the City now acknowledges to be program income must be used to complete the SEQ-UR Plan, will instead be considered part of a remaining fund balance (along with the URC's existing cash-on-hand) and returned to HUD as required by the Categorical Program Settlement Grant, which provides in pertinent part: "After all activities approved in the attached budget have been completed, all required local funds and/or services provided, and land proceeds received, any remaining balance of Federal funding shall be returned to HUD."¹⁶

¹⁵ Community Development Block Grant.

¹⁶ See Form HUD-7082, Section 20, Attachment 2, paragraph 4, a copy of which is attached hereto as Exhibit K.

Parking Revenue

Just as land sale proceeds must be considered program income and used to complete the SEQ-UR Plan, so too must parking revenues generated from the interim use of property acquired with federal funds. At the request of the City, the Commission terminated a parking operation and management agreement with a third party for the operation and management of the lower Summer Street/West Park Place/Washington Boulevard parcels and entered into an agreement with the City. Under this agreement only the parking operation and management fee paid to the Commission is program income and the revenue collected by the City is not. If the City eliminates the redevelopment agency then it is likely that all parking revenues derived from this property will have to be considered program income.

IV COMPLETION OF THE SOUTHEAST QUADRANT URBAN RENEWAL PLAN

As noted, the second question Mayor Pavia asked HUD is “Does the termination or consolidation of its Urban Redevelopment Commission affect the use of program income, as long as program income is used consistent with HUD requirements?”

The question then is whether the City can complete the SEQ-UR Plan without the URC or a successor redevelopment agency (e.g., “URC-2”). The answer must be no because (i) only “**a redevelopment agency is authorized to plan and undertake urban renewal projects**” (CGS §8-141); and (ii) “Any urban renewal project undertaken pursuant to section 8-141 shall be undertaken in accordance with an urban renewal plan for the area of the project” (CGS §8-142); and (iii) only a redevelopment agency is given “**all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the federal government or other source and to exercise the other powers which this chapter confers on a redevelopment agency with respect to redevelopment projects.**” (CGS §8-142). The City’s role in an urban renewal project, in addition to the various approvals and authorizations, is “to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project.” (CGS §8-144, emphasis added).

V IMPLEMENTATION OF THE MILL RIVER CORRIDOR PROJECT PLAN

The MRCP Plan requires the redevelopment agency to acquire properties for the park; acquire easements along the river for the linear portion of the park; and acquire property or public and/or affordable housing development by or on behalf of or in cooperation with the Stamford Housing Authority (Charter Oak Communities). The original plan designated several sites for the affordable housing development. In 2004 the Board of Representatives approved a plan modification to permit private development on one of these properties. At that time the Commission agreed to work with the Stamford Housing Authority to identify an alternate site for the affordable housing. The Commission has examined and discussed a number of opportunities

on both the east and the west side of the river and discussed many of these opportunities with Charter Oak Communities.

The pending TIF bond issuance will be used solely for park improvements which will be implemented, in part, by the Mill River Collaborative. The Commission worked with others in the community to establish the Collaborative, an important and hardworking non-profit organization dedicated to creating and sustaining a world class park. But the Collaborative will not address the affordable housing aspects of the MRCP Plan. Without a redevelopment agency to implement that portion of the Plan, including the use of TIF bonds, the Plan will not realize its affordable and public housing objectives.

Redevelopment and Urban Renewal Plans

A redevelopment or urban renewal project is defined by a project plan which must be established and approved by the City in strict compliance with the requirements of CGS §8-127. Chapter 130 of the Connecticut General Statutes very clearly establishes that a “redevelopment agency” established in the manner proscribed by §8-126 is the only legal entity which is authorized to exercise Redevelopment (CGS §§ 8-124 – 8-139) and Urban Renewal (CGS §§ 8-140 – 8-145) powers and authorities. These powers and authorities include approving redevelopment or urban renewal plans, approving amendments to the plans, enforcing the plan controls, acquiring property within a redevelopment or urban renewal area and selling or leasing property in a redevelopment or urban renewal area. A redevelopment agency’s exercise of these powers and authorities is, in most instances, subject to the approval by the Board of Representatives.

The Southeast Quadrant Project Urban Renewal Project and plan uses the urban renewal provisions of Chapter 130. The Mill River Corridor Project (the “MRCP”) and plan uses the redevelopment provisions of Chapter 130.

TIF Financing and Bond Sales

Of critical importance at this moment with respect to the pending TIF bond sale for the Mill River Corridor Project is that the TIF district was established in 2001 as part of an approved redevelopment plan pursuant to the authorization contained in CGS §8-134a. Without a redevelopment agency and an approved redevelopment or urban renewal plan the City could not have created the MRCP TIF District and cannot issue the TIF bonds. CGS §8-134 very clearly states: “For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this chapter, **a municipality, acting by and through its redevelopment agency**, is hereby authorized, subject only to the limitations and procedures set forth in this section, to issue from time to time bonds of the municipality...” (Emphasis added).

Furthermore, the Commission believes that the City **MUST DISCLOSE** its intention to dissolve or contemplate the dissolution of the URC to all parties to the bond transaction! This disclosure must be made to the underwriters, the rating agencies and in the Public Offering Statement, because without a redevelopment agency the City has no authority to issue TIF bonds.

Other Significant Actions/Activities Requiring a Redevelopment Agency

There are a great number of actions necessary for the completion of a redevelopment or urban renewal project which **must** be performed by a redevelopment agency or where the City acts “by and through” its redevelopment agency. The following are some of those actions:

Approve redevelopment and urban renewal plans (CGS §8-127(a) and/or modify such plans (CGS §8-136) and hold public hearings required to approve redevelopment plans (CGS §8-127(b))

Acquire property for redevelopment and urban renewal plans (CGS §8-127a); hold the public hearings required for property acquisition (CGS §8-127a(2)); and hire appraisers to determine the price to be paid for property (CGS §8-129)

Transfer, sell or lease real property in a redevelopment or urban renewal area (CGS §8-137)

The Municipal Development Act and the Economic Development & Manufacturing Assistance Act both contain similar provisions with respect to a development agency and an implementing agency.

It is important to note that any modification to redevelopment and urban renewal plans also requires the consent of redevelopers affected by the proposed modification. The proposed dissolution of the redevelopment agency is a plan modification which would require the consent of affected redevelopers.

Gateway District Plan (UBS site)

The Commission prepared and adopted the Gateway District Plan which was approved by the Board of Representatives in 1995. The Commission also negotiated, on behalf of itself and the City, a Land Disposition Agreement for the development in the Gateway District. The Gateway Plan, as noted above, was approved and has been implemented under a combination of all four (4) statutory authorities. The Commission fills the role of the redevelopment agency, the development agency¹⁷ and the implementing agency.¹⁸

There continues to be a need for the Commission to review proposed modifications to the improvements constructed or reconstructed by the redeveloper, to review any proposed modifications to the Gateway Plan and to undertake a decennial review of the Gateway Plan.

¹⁷ See CGS Section 8-188.

¹⁸ See CGS Section 32-223.

East Side Partnership – Next Generation Redevelopment Project

The Commission has been working hard for a few years with the East Side Partnership to develop the next generation of urban renewal projects which will be a model of best practices for redevelopment for this century. The proposed project will use the power of a coordinated plan of development to incentivize and create true public-private partnerships focused on a voluntary redevelopment of a vital portion of the east side neighborhood. We have recently executed a Memorandum of Understanding with the East Side Partnership establishing a framework for moving towards a formal urban renewal plan. Without the ability of a redevelopment agency to establish an urban renewal plan this exciting and innovative project will fail.

VI DISSOLUTION AND REQUIRED FINDINGS PURSUANT TO CGS §8-126(b)

8-126(b) provides: “The legislative body of any municipality may dissolve an agency authorized under subsection (a) of this section upon determination that ***such action would facilitate receipt and processing of federal funds and promote the purposes of this chapter***” (emphasis added). This statute clearly requires the two (2) highlighted findings.

[1] Would dissolution of the Commission “facilitate” the receipt and processing of federal funds?

No. “Facilitate” means “to make easier” (Merriam-Webster). The fact that other departments within the City receive federal funds does not satisfy this required finding. Furthermore, the redevelopment statute provides that a municipality acting by and through the redevelopment agency may apply for federal funds for implementation of a redevelopment plan. (CGS §8-35)

[2] Would dissolution of the Commission “promote the purposes” of the redevelopment and urban renewal statutes? No. The dissolution will serve no public purpose as defined in the redevelopment and urban renewal statutes. Indeed it will serve no public purpose whatsoever.

VII EXISTING AGREEMENTS

There are numerous existing contracts, settlement agreements, covenants and other legal agreements and documents which must be reviewed and, if necessary and possible, assigned before any action is taken which could cause harm to the City. Two examples are:

1. The 1968 Land Disposition Agreement (“LDA”) with the original SEQ-UR Redeveloper. The Commission was recently given the green light by the Mayor (for the first time) to commence discussions with the current owner of Parcel 38 to utilize a provision in the LDA giving the Commission the legal and contractual right to repurchase the property from the current owner. Under the terms of the LDA this contract right inures to the Commission and not the City. The Commission has discussed this matter several times with the Mayor and the Chair of the Land Use/Urban Redevelopment Committee of the Board of Representatives to be sure they are aware of and approve of the Commissions’ actions. On May 27, 2011, the Mayor authorized the

Commission to continue these discussions and prepare a Memorandum of Understanding establishing a framework for the redevelopment of Parcel 38.

2. The LDA with Park Square West. This redeveloper has recently signed an agreement to assign its existing contract rights to a successor redeveloper. The Commission has specific rights and obligations to review and approve (or disapprove) any such assignment. It is possible that the proposed assignment will require an amendment to the Park Square West LDA, which must be approved by the Board of Representatives, the Board of Finance and the Commission. The Commission has discussed this matter with the Mayor and Chair of the Land Use/Urban Redevelopment Committee of the Board of Representatives to be certain that any action the Commission takes is consistent with City policy.

Recently the discussions with these redevelopers and related parties have been hampered by the Task Force recommendation and the current process, as parties take a wait and see attitude with respect to the Commission's future.

VIII PUBLIC POLICY CONSIDERATIONS

Expertise

Over the past several years the Commission has saved the City substantial costs by providing its advice and/or expertise to implement acquisition and relocation activities for projects such as the Stamford Urban Transitway Phases I and II; the Cold Spring Road Bridge Rehabilitation Project; and plan an acquisition at the Atlantic Street - Henry Street intersection.

The Commission has also provided valuable assistance in creating the Old Town Hall Redevelopment Agency and negotiating various parts of the projects in the south end.

Planning and Plan Implementation

One of, if not the most important elements of any redevelopment project is the ability to create a cohesive and detailed plan for redevelopment of an area which engages participants at multiple levels of government¹⁹ with all aspects of the private sector²⁰ and the local community (residents and businesses) and utilizes the resources each brings to the table to create and realize a vision for the area. The state statutes establish the framework within which the Commission operates and provide a variety of tools to implement the plan and help to build the vision in the plan. The tools include the ability to go far beyond what a master plan or zoning regulation can accomplish by establishing detailed and specific land use controls and patterns on one parcel or multiple parcels. Other tools are the ability to borrow and bond, create tax increment financing districts and to acquire and lease or sell property.

¹⁹ Including individuals and agencies of the local, state and federal governments.

²⁰ Including property owners, developers and professionals including planners, architects, civil engineers, environmental professionals, lenders & investors, attorneys and institutions.

The Commission cannot and does not operate in isolation. The Board of Representatives must participate in and approve the plans and the agreements. And the Board of Representatives must approve the use of eminent domain, which is merely one of the tools available to the Commission and through it, the City.

IX THE PROCESS:

The Task Force failed to comply with the requirements of the Connecticut Freedom of Information Act in one or more significant ways. The published agenda for the February 24, 2011 Task Force meeting (Exhibit L) lists four items of business. I attempted to attend that meeting; however, the entire meeting was held in executive session, no notice of the subject of the executive session was given. Votes are not permitted in executive session. It is not believable that one of the items in 1-200(6) or 1-210 exempt records. Meeting minutes have never been posted in the Office of the Town Clerk or on the Task Force web page.

Report of the Mayor's Task Force on Governance - List of Exhibits

- Exhibit "A" Mayor's Task Force on Governance Report
- Exhibit "B" Connecticut Redevelopment Statutes (§§8-124 through 8-139)
- Exhibit "C" Correspondence dated July 22, 1954
- Exhibit "D" Board of Representatives minutes (excerpt) August 2, 1954
- Exhibit "E" Connecticut Urban Renewal Statutes (§§8-140 through 8-145)
- Exhibit "F" Connecticut Municipal Development Statutes (§§8-186 through 8-200b)
- Exhibit "G" Connecticut Economic Development and Manufacturing Assistance Statutes (§§32-220 through 32-244a)
- Exhibit "H" Task Force Subcommittee Report (evaluation sheet); undated
- Exhibit "I" Correspondence from Mayor Michael A. Pavia to Mr. Gary Reisine, Director, Community Planning and Development, HUD Hartford Field Office, dated March 25, 2011
- Exhibit "J" Correspondence from Julie B. Fagan, HUD Hartford Field Office Director to Mayor Michael A. Pavia, dated April 7, 2011
- Exhibit "K" Form: HUD-7082; Section 20; Attachment 2
- Exhibit "L" Published Agenda of Governance Task Force meeting February 24, 2011