

REPORT – COMMITTEE OF THE WHOLE – JANUARY 22, 2007

Section 13A-56 to 13A-60 Ordinance – Creation; powers and responsibilities
(Creation of the Charles Ives Authority for the Performing Arts)

Mr. Cutsumpas moved to receive the report and adopt the committee’s recommendation and to refer this to the next scheduled council meeting. Seconded by Mr. Rotello.

Discussion followed with questions to Dena Diorio, Director of Finance and Personnel; Mayor Boughton; Dr. James Schmotter, President of WCSU; and Laszlo L. Pinter, Deputy Corporation Counsel, on the following issues:

Financial obligations of present Authority; unsecured loan – who is responsible to repay it; lease term on land; future fund raising; City or WCSU monetary assistance if Authority runs into future trouble; bonding (default) issues for new Authority; projected revenues for next 5 years; what are the roles of the City and WCSU; who owns the property; how much land is there; is there authority for the old Authority to dissolve; legal responsibility for existing debt; capital improvement plans; City police or private security; can an outside entity take over management;

Further comments from Mayor Boughton and Dr. Schmotter on the opportunity this partnership will bring; to expand the venue at the park; elevate cultural life in the City and at WCSU; still needs to be private fund raising which the 5 year lease agreement will help; this is a public partnership; and broader use of the facilities.

Mr. Riley moved the question; seconded by Mrs. Basso. Motion carried with 12 yes and 8 no votes.

Attorney Pinter explained the State was requiring two changes in wording on the Ordinance in Sec. 13a-56(b)(1) and (2). They will be explained and discussed at the next Council meeting.

The original motion passed with 13 yes and 7 no votes.

Mrs. Basso moved to adjourn at 8:35 p.m. Seconded by Mr. Johnson. Motion passed unanimously.

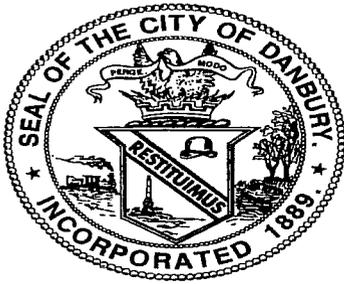
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Attendance record and voting record attached.

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Respectfully submitted,

Joe Cavo, President



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ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

Sec. 13A-56. Creation; powers and responsibilities.

- (a) *Creation.* The common council of the City of Danbury (hereinafter referred to as "city"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Charles Ives Authority of the Performing Arts (hereinafter referred to as "authority").
- (b) *Powers.* Such authority shall have the following powers and responsibilities:
- (1) In conjunction with Western Connecticut State University, to administer, operate and maintain Ives Concert Park, including all structures;
 - (2) To contract and be contracted with in order to administer, operate and maintain said park consistent with facilities use and lease agreements entered into with Western Connecticut State University;
 - (3) To make, amend and repeal bylaws, rules and regulations not inconsistent with general law to carry out its purposes;
 - (4) To construct and reconstruct park facilities as authorized by law only within said park;
 - (5) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any project or facilities thereof on behalf of the authority and in an amount sufficient to pay operating and maintenance expenses, the annual principal and interest on bond heretofore or hereafter issued by the authority to finance the construction and reconstruction of park facilities within said park and the principal and interest of any obligations the authority may incur;
 - (6) To make an annual audit, consistent with general law, of the financial transactions of the authority. The treasurer elected by the members of the commission shall be bonded in an amount determined pursuant to Section 7-148 of the General Statutes of Connecticut, as amended;
 - (7) To issue its bonds, notes or other obligations as authorized by Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended, to be paid solely from the revenues of the authority;
 - (8) To accept loans or grants from the city or any other person, government or agency thereof, for the purposes of the authority; and,
 - (9) To appoint or dismiss an executive director and to adopt an annual budget for the administration of the park under the overall direction of the authority, the fiscal year of said budget to commence on October 1 of each year.

Sec. 13A-57. Articles of Incorporation.

The articles of incorporation of the authority are as follows:

- (a) The name of the authority and the address of its principal office shall be: Charles Ives Authority of the Performing Arts, City Hall, Danbury, Connecticut.

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- (b) The authority is created under Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended.
- (c) The participating political subdivision is the City of Danbury, Connecticut.
- (d) The initial members of the authority, their addresses, and terms of office, shall be as appointed by the city.
- (e) The authority is created for the sole purpose of administering Ives Concert Park with the power granted to such authority by this enacting ordinance.

Sec. 13A-58. Commission of authority – Appointments; membership; terms.

The mayor of the city, with the approval of the majority of the common council, shall select and appoint the members of said authority which shall consist of nine (9) members. Three of the appointees selected by the mayor shall be persons nominated by the President of Western Connecticut State University. Said members will possess backgrounds in either the performing arts, development or finance. The terms of three (3) of the initial members of the commission shall be one (1) year, of another three (3) initial members two (2) years, and of the last three (3) initial members, three years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.

Sec. 13A-59. Same – Compensation of members

No members of such authority may receive any compensation for their services, but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in performance of their duties.

Sec. 13A-60. Perpetual Existence.

The authority shall remain in existence perpetually unless terminated by the city.