

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5000



LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
SEPTEMBER 2, 2015

The Chair called the meeting to order at 7:21 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

The Clerk called the roll and recorded it as follows:

PRESENT: Suzanne Testani, Chairman, Joseph Pifko, Edna Colucci, Scott Wich,
Daniel Marconi.

ABSENT: Enrico Costantini, Vice Chairman, Ken Martin, Sr., Alternate, Mary Beth
Thornton, Alternate.

ALSO PRESENT: Town Council Chairman Carl A. Massaro, Jr., Chief of Staff Lynn Arnow
James Haselkamp, Labor Relations Director, and Town Council member
Cindy Penkoff.

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1. RESOLUTION TC 25-188: Motion made by Mr. Pifko, seconded by Mr. Marconi.
BE IT RESOLVED AND ORDAINED, That an ordinance entitled Protection of Private
Personal Information is hereby established. (Full Ordinance Attached)

Mr. Haselkamp explained this is a policy decision and voiced his concerns with some aspects of the ordinance, i.e. conflicts with the Freedom of Information Act (FOI). Under FOI anyone can go to the Tax Collector's office and ask for their address and tax records, and health information has HIPAA to protect. He could not find any Town departments that take credit cards, although an exhaustive search was not done. There may be a department that does. The Tax Collector's office out-sources that service. There is a statute that includes the FOI Act which outlines what can be disclosed and what are the exceptions. This ordinance will have to follow FOI and may be in conflict. This ordinance does overlap multiple statutes and does not believe they can be overridden at the local level. Many of the items in the ordinance are already protected by statute. The

consequences of an improper release were not made clear within the ordinance's language. Someone from the Town Council and the Town Attorney should look at this ordinance further with regard to the FOI Act, otherwise every time there is a question with regard to release the Town will have to go the FOI Commission for a ruling.

Motion made by Mr. Wich, seconded by Mr. Marconi to amend the Sec. 1 b., entitled, Definitions after the words Home Address to insert the following phrase, "Government issued document numbers."

VOTE: Motion CARRIED 5-1 (Against: Testani)

Mr. Wich stated the ordinance is to fill in the blanks of the other laws that are in existence, so there are protections where there are none. The Chair suggested sending this back to Committee for Town Attorney review. Mr. Wich agreed

The BOE runs their operations independent of the Town and a larger part of this is that the BOE has their own laws to abide by because they deal with student records.

Ms. Penkoff spoke in favor of narrowing down the scope of the ordinance. She wants this to be clear for all the Town Hall employees.

Mr. Pifko raised the point that the ordinance includes language where outside organizations and those who provide goods, services or programs in Town are subject to this ordinance bringing subcontractors under its umbrella. Mr. Wich stated it was not his intention for this to include subcontractors. It was to include community based programs. This is something the Town attorneys would need to look at. The Chair suggested that Mr. Wich forward a document which would include the issues discussed at this meeting pertaining to this ordinance and forward to the council clerk so it could be distributed to the Town attorneys for review.

Moved by Ms. Colucci, seconded by Mr. Pifko to HOLD in Committee as amended to allow time for further research and Town attorney review.

VOTE: Motion CARRIED unanimously.

Ms. Colucci left the meeting at 7:27 p.m.

2. RESOLUTION TC25-193: Moved by Mr. Wich, seconded by Mr. Pifko
BE IT RESOLVED AND ORDAINED, That Article III, Boards, Commissions, Committees, and Agencies Division 6, Board of Finance of the Trumbull Municipal Code is hereby amended to include Section 2-183, Annual Required Contribution (ARC) For the Town's Retirement Plans and the Police Retirement Income Plan. (Full Ordinance Attached) (*Public Hearing*)

Mr. Massaro explained the version of the proposed ordinance attached to the agendas is not correct. After review by Mr. Massaro and Ms. Arnow it was noted that there were 7 "Whereas" clauses to the ordinance attached and was the version noticed on the agendas. Normally the "Whereas" clauses are introductory to the ordinance, that had been

reworked. Mr. Massaro stated that this item was withdrawn; a different draft would be submitted at a later date. The public hearing will not be opened.

3. RESOLUTION TC25-194: Moved by Mr. Marconi, seconded by Mr. Pifko.
BE IT RESOLVED AND ORDAINED, That Section Article II, Municipal Contracts with Public Officials Prohibited, Section 2-55 of the Trumbull Municipal Code is hereby enacted. (Full Ordinance Attached) (*Public Hearing*)

Mr. Massaro stated this item has a similar issue as item #2 of this agenda with regards to the form of the resolution, although it is not a substantive issue. The order of the “Whereas” clauses should be different. Number one, two, three and five whereas clauses of the attached ordinance are the 4 whereas clauses in the final form draft, the fifth whereas clause should read as , “ Now therefore BE IT RESOLVED and ORDAINED... Mr. Massaro further explained that he had added the no. 3 whereas clause because the Town Council had adopted a Purchasing Policy a few years ago which included a section entitled, “Conflicts of Interest”. The section dealt with a Town official disclosing they were a Town official before they bid. This proposed ordinance would create a conflict if they are now prohibited. Paragraph 3 repeals the section of the Purchasing policy, “Conflicts of Interest” by way of this ordinance. The committee discussed the options to either hold the resolution in committee or postponing. It was agreed to hold the resolution in Committee.

Moved by Mr. Marconi, seconded by Mr. Martin to HOLD in Committee.
VOTE: Motion CARRIED unanimously.

There being no further business to discuss and upon motion made by Mr. Pifko, seconded by Mr. Martin the L&A committee adjourned by unanimous consent at 7:52 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

Personal Information Privacy Ordinance

Whereas, the Town of Trumbull recognizes the significance of maintaining and protecting the private information of its residents and intends to protect such information to the greatest extent practicable, the Town of Trumbull hereby enacts the following Personal Information Privacy Ordinance.

1. Definitions.
 - a. “Disclose” shall mean to reveal, release, transfer, disseminate or otherwise communicate Protected Information orally, in writing or by electronic or any other means other than to the subject of the Protected Information.
 - b. “Protected Information” shall mean the Social Security Number, Driver’s License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Number, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull.
 - c. “Town” shall mean The Town of Trumbull, including all officials, employees, departments, boards and commissions of the Town, but excluding the Town’s Board of Education and its officials, employees or volunteers while in the performance of their duties to the Board of Education;
 - d. “Town-Related Organization” shall mean all organizations which enter into contracts or other agreements with the Town for: (i) the use of Town facilities or properties in order to provide goods, services or programs within the Town; or (ii) the use of Town-provided services to assist in the maintenance or operation of the organization.
2. Collection of Protected Information. The Town and Town-Related Organizations, as the case may be, may only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct their operations.
3. Maintenance of Protected Information. The Town and Town-Related Organizations, as the case may be, shall implement reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
4. Use and Disclosure of Protected Information. The Town and Town-Related Organizations, as the case may be, shall not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of the organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable. Nothing herein shall be construed to prohibit the use or disclosure of such information by or among employees, volunteers or officials of the Town or Town-Related Organization, as the case may be, in the course of performing their regular duties.
5. Disposal of Protected Information. With regard to the disposal of records containing Protected Information, the Town and Town-Related Organizations shall: (1) shred the

- record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that it reasonably believes will ensure that no unauthorized person will have access to the Protected Information contained in the record.
6. Notice of Breaches. The Town and Town-Related Organizations, as the case may be, shall promptly give written or electronic notice to the affected individual(s) of any unauthorized disclosure of Protected Information to entities or individuals other than as permitted by this ordinance.
 7. Policies. Within sixty (60) days following enactment of this ordinance, the Town shall implement a written policy effecting the terms herein. Starting sixty (60) days following enactment of this ordinance, the Town shall require any Town-Related Organization to have a written policy implementing this ordinance as a condition for entering into contracts or other agreements with the Town. Town-Related Organizations that adopt the model policy, attached hereto, by approving the policy in accordance with their by-laws or equivalent internal procedures and having the policy signed by the organization's chief executive officer or his/her equivalent, shall be considered as in compliance with this section.
 8. Violations. Violations of this ordinance by Town employees, volunteers or officials will subject the violator to appropriate action. Repeated or willful violations of this ordinance by Town-Related Organizations shall, within the reasonable discretion of the First Selectman, result in the disqualification of the Town-Related Organization from using Town facilities or properties, or the use of Town-provided services to assist in the maintenance or operation of the organization, for a period not to exceed two (2) years.
 9. Non-Assumption of Liabilities. Nothing herein is intended nor shall be construed as an assumption by the Town of any obligations or liabilities of any Town-Related Organization, including but not limited to those that may arise by reason of this ordinance.
 10. Savings Clause. Nothing in this Ordinance is intended nor shall be construed to abridge or diminish any additional or greater protections afforded to the residents of Trumbull under federal or state law.

MODEL POLICY

In recognition of the importance of maintaining the privacy of certain information that _____ (name of organization) may collect in the course of its operations, _____ (name of organization) implements the following policy for its Board members, executives, employees and volunteers.

We will safeguard Protected Information (i.e., the Social Security Number, Driver's License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Numbers, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull) in the following manner.

1. We will only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct our operations.
2. We will implement and maintain reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
3. We will not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of our organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable.
4. With regard to the disposal of records containing Protected Information, we will: (1) shred the record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that we reasonably believe will ensure that no unauthorized person will have access to the Protected Information contained in the record.
5. We will promptly give written or electronic notice to the affected individuals of any unauthorized disclosure of Protected Information.

Signed:

Chief Executive Officer

(name of organization)

Dated: _____

AN ORDINANCE CONCERNING PUBLIC OFFICIALS AND TOWN CONTRACTS

WHEREAS, the Town of Trumbull recognizes that public officials, by virtue of the trust placed in them by the citizens of the Town of Trumbull, must recognize that their primary responsibility is to the citizens and taxpayers of the Town of Trumbull; and

WHEREAS, the Town of Trumbull seeks through procurement practices paid services to be provided on behalf of the citizens and taxpayers of the Town of Trumbull; and

WHEREAS, "public official" shall be defined as any elected or appointed town official, officer or employee of the Town of Trumbull; and

WHEREAS, public officials shall be prohibited from receiving any town work procured through a public bid process so as to avoid any appearance of impropriety or conflict of interest; and

WHEREAS, "town work" shall be defined as any professional service performed on behalf of the Town of Trumbull and paid for by the Town of Trumbull.

WHEREAS, public officials cannot circumvent the intent of this ordinance by receiving town work through a bid waiver, as proscribed by the Trumbull Town Charter.

ORDINANCE NO. _____

AN ORDINANCE FOR PERTAINING TO THE ANNUAL REQUIRED CONTRIBUTION
(ARC) FOR THE TOWNS RETIREMENT PLANS AND THE POLICE RETIREMENT
INCOME PLAN

WHEREAS, the Town of Trumbull has made great strides to improve its public employee pension fund by funding the annual required contribution; and

WHEREAS, effective fiscal year 2015-2016, the Town of Trumbull has fully funded the annual required contribution (ARC) for the Towns retirement plan and the Towns Police retirement plan; and

WHEREAS, the Town of Trumbull recognizes that to achieve a AAA credit rating, the financial rating agencies have been actually sensitive to the Town of Trumbull's pension funding and desire to see that funding improve; and

WHEREAS, in the budget adopted for each fiscal year, the Town shall fully fund the annual required contribution for the Towns retirement plan and the police retirement plan; and

WHEREAS, the amounts for these annual required contributions shall be included in the proposed budget submitted by the First Selectman in accordance with Chapter IV, Section I of the Trumbull Town Charter, shall also be included in the budget recommended by the Board of Finance in accordance with Chapter IV, Section 2 of the Town Charter, and the budget adopted by the Trumbull Town Council pursuant to Chapter IV, Section 3 of the Trumbull Town Charter; and

WHEREAS, in any fiscal year in which the Board of Finance determines that economic circumstances so warrant, the Board of Finance may recommend, by a unanimous vote of all six members of the board, that the budget adopted for that fiscal year shall fund a percentage less than (100%) of the Towns retirement plan and police retirement plan; and

WHEREAS, if said recommendation is made by the Trumbull Board of Finance, then the Trumbull Town Council may approve said recommendation by a vote of no less than 18 out of 21 members of the council, thereby adopting a budget for that fiscal year that funds less than (100%) of the Towns retirement plan and police retirement plan; and

WHEREAS, the Town of Trumbull shall review this ordinance every five years from the effective adoption date to determine if additional revisions are warranted subject to the present fund ratios of each retirement plan at that time.

AS AMENDED IN COMMITTEE

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- c. “Town” shall mean The Town of Trumbull, including all officials, employees, departments, boards and commissions of the Town, but excluding the Town’s Board of Education and its officials, employees or volunteers while in the performance of their duties to the Board of Education;
- d. “Town-Related Organization” shall mean all organizations which enter into contracts or other agreements with the Town for: (i) the use of Town facilities or properties in order to provide goods, services or programs within the Town; or (ii) the use of Town-provided services to assist in the maintenance or operation of the organization.

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3. Maintenance of Protected Information. The Town and Town-Related Organizations, as the case may be, shall implement reasonable safeguards to prevent the unauthorized disclosure of Protected Information.

4. Use and Disclosure of Protected Information. The Town and Town-Related Organizations, as the case may be, shall not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of the organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable. Nothing herein shall be construed to prohibit the use or disclosure of such information by or among

employees, volunteers or officials of the Town or Town-Related Organization, as the case may be, in the course of performing their regular duties.

5. Disposal of Protected Information. With regard to the disposal of records containing Protected Information, the Town and Town-Related Organizations shall: (1) shred the record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that it reasonably believes will ensure that no unauthorized person will have access to the Protected Information contained in the record.
6. Notice of Breaches. The Town and Town-Related Organizations, as the case may be, shall promptly give written or electronic notice to the affected individual(s) of any unauthorized disclosure of Protected Information to entities or individuals other than as permitted by this ordinance.
7. Policies. Within sixty (60) days following enactment of this ordinance, the Town shall implement a written policy effecting the terms herein. Starting sixty (60) days following enactment of this ordinance, the Town shall require any Town-Related Organization to have a written policy implementing this ordinance as a condition for entering into contracts or other agreements with the Town. Town-Related Organizations that adopt the model policy, attached hereto, by approving the policy in accordance with their by-laws or equivalent internal procedures and having the policy signed by the organization's chief executive officer or his/her equivalent, shall be considered as in compliance with this section.
8. Violations. Violations of this ordinance by Town employees, volunteers or officials will subject the violator to appropriate action. Repeated or willful violations of this ordinance by Town-Related Organizations shall, within the reasonable discretion of the First Selectman, result in the disqualification of the Town-Related Organization from using Town facilities or properties, or the use of Town-provided services to assist in the maintenance or operation of the organization, for a period not to exceed two (2) years.
9. Non-Assumption of Liabilities. Nothing herein is intended nor shall be construed as an assumption by the Town of any obligations or liabilities of any Town-Related Organization, including but not limited to those that may arise by reason of this ordinance.
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6. We will promptly give written or electronic notice to the affected individuals of any unauthorized disclosure of Protected Information.

Signed:

Chief Executive Officer

(name of organization)

Dated: _____

Government issued document numbers