



Legislative & Rules Committee – Board of Representatives

Phil Berns, Chair

Sean Boeger, Vice Chair

Committee Report

Date: Tuesday, May 23, 2023

Time: 7:00 p.m.

Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Chair Berns, Vice Chair Boeger, and Committee Member Reps. Cottrell, Fedeli, Jacobson, Matheny, Miller, and Sherwood. Rep. Pierre-Louis was excused. Also present were Reps. Figueroa, Ley, Morson, Stella, and Summerville; Mike Toma, Law Department; Matt Quinones, Director of Operations; and members of the public.

Chair Berns called the meeting to order at 7:00 p.m.

Item No.	Description	Committee Action
¹ 1. LR31.045	ORDINANCE for <u>public hearing and final adoption</u> ; Amending Code of Ordinances, Chapter 6, Article XVII Appointments Commission §6-122, Membership of the Commission 01/04/23 – Submitted by Rep. Stella 01/24/23 – Held by Committee 8-0-0 02/28/23 – Held by Committee 8-0-0 03/29/23 – Recommended to Steering 6-0-0 04/25/23 – Approved by Committee, as amended, 8-0-0	Approved 8-0-0

As Secondary Committee: Appointments

Chair Berns opened the public hearing. Kieran Edmondson spoke in favor of the item. There being no other members of the public wishing to speak, the public hearing was closed.

A motion to approve Item No. 1 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny, Miller, and Sherwood in favor).

² 2. LR31.051	ORDINANCE for <u>public hearing and final adoption</u> ; Amending Code of Ordinances, §§ 37-1 and 47-37 to Correct a Scrivener's Error and Inconsistency re: the Juneteenth Holiday. 03/20/23 – Submitted by Corporation Counsel 04/25/23 – Approved by Committee, as amended, 8-0-0	Approved 8-0-0
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² Video Time Stamp: 00:06:05

Chair Berns opened the public hearing. Kieran Edmondson spoke in favor of the item. There being no other members of the public wishing to speak, the public hearing was closed.

Attorney Toma stated that this item involves minor scrivener's error changes meant to clean up the language and make it consistent with language in other sections of the code.

A motion to approve Item No. 2 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny, Miller, and Sherwood in favor).

33. [LR31.048](#) APPROVAL; Amending the Rules of the Board to Allow the Public Comment Period prior to the Filling of a Vacancy. **Failed 4-4-0**
02/09/23 – Submitted by Rep. Sherwood
03/29/23 – Recommitted to Steering 6-0-0
04/25/23 – Recommitted to Steering 8-0-0

Rep. Sherwood introduced the item.

In February there was a city-wide vacancy that created a lot of public interest. At that time the rule was to vote on the appointment before the public comment period. She feels strongly that the public should always be heard before an item is voted upon.

Committee members discussed Item No. 3. Items discussed included the following:

The Charter says that the first order of business on an agenda is to fill any vacancies. Would this new language conflict with Charter?

Attorney Toma has not yet looked at this item. He could review it before the full Board meeting.

Rep. Sherwood stated her proposed language includes all vacancies, not just city-wide.

If this change is approved, the candidates should be given the right to speak before the vote.

Voters get to vote during elections, and inbetween elections it is up to the BOR to figure everything else out. The only purpose to this change would be for the public to argue for one person or another. It is the purview of the BOR to argue this, not anyone else.

This would become more like a debate between the public.

Representatives have a duty to listen to the public.

The public was very outspoken via emails and phone calls prior to the vacancy in February, so there was not a problem with the public being heard.

A motion to approve Item No. 3 was made, seconded, and failed by a vote of 4-4-0 (Reps. Berns, Boeger, Matheny, and Sherwood in favor; Reps. Cottrell, Fedeli, Jacobson, and Miller opposed).

³ Video Time Stamp: 00:11:30

44. [LR31.040](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure re: Use of Virtual Meeting Licenses by Representatives. **Recommended to Steering 8-0-0**
11/29/22 – Submitted by Rep. Cottrell
12/12/22 – Moved to Pending
03/29/23 – Recommended to Steering 6-0-0
04/25/23 – Recommended to Steering 8-0-0

Rep. Cottrell introduced this item. She met with Attorney Amy Livolsi who is going to look into this further. Therefore Rep. Cottrell does not want to move forward on this tonight in order to give Attorney Livolsi time to look into parameters, language proposed, and the use of virtual licenses.

Rep. Miller stated the City of Stamford is migrating to Microsoft 365 which has all of the elements of Zoom without needing licenses because it is free of charge.

Rep. Cottrell stated she has three goals for this item:

1. A communications allowance was approved for the BOR. While some Representatives will be sending out mailers, others might prefer to conduct virtual town hall meetings. All Representatives should be able to choose their preferred method of communications.
2. The office staff cannot always cover all the meetings. From a flexibility standpoint, Representatives could run their own meetings if necessary.
3. Representatives might want to host informational meetings with experts on a subject, as long as there are no FOIA violations. Right now, we have to rely on the experts creating and hosting the meetings.

A motion to recommit Item No. 4 to Steering was approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny, Miller, and Sherwood in favor).

55. LR31.052 APPROVAL; Amending the Rules of the Board to Establish New Guidelines in Regard to How Members of the Board of Representatives Shall Resign. **Recommended to Steering 8-0-0**
04/27/23 – Submitted by Rep. Stella

The committee discussed whether it is acceptable to have an approval item without any language. Parliamentarian Boeger and Attorney Toma stated that nothing would be preclude the BOR from discussing this item.

Rep. Stella introduced this item. He thought it would be better to have a discussion before drafting language. Over the last two months there have been problems with how Representatives have resigned. What seems to be happening now is Representatives are resigning right before the full Board meeting. He would like Representatives to resign one week before the meeting out of respect to the rest of the members.

Committee members discussed Item No. 5. Items discussed included the following:

Once a Representatives resigns effective immediately, there is no further discussion. Why have these rules if they are not enforceable?

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There should be rules regarding how the resignation is tendered. The last resignation went to some members of the Board, and not others.

Currently the rule is to notify the Mayor. Adding others into that could be problematic.

BOR rules state that the President and Clerk should notify the full Board of a resignation right away. But the person could resign directly to the Mayor, and the Mayor's office might not disseminate the information quickly.

Attorney Toma explained the Charter does not state that the resignation has to be given directly to the Mayor; it could be delivered to the Mayor via a third party. The way it is written allows for some ambiguity. It can be interpreted in different ways.

Chair Berns stated there is nothing preventing the Committee from communicating to the Board that as a courtesy, the Board should be notified of a resignation in a certain way.

A motion to recommit Item No. 5 to Steering was approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny, Miller, and Sherwood in favor).

Chair Berns adjourned the meeting at 8:33 p.m.

Respectfully submitted,
Phil Berns, Chair

This meeting is on [video](#).