

From: [Toma, Michael](#)
To: [Rosenson, Valerie](#)
Subject: RE: Legal Opinion - Executive Order Violation
Date: Thursday, January 28, 2021 10:32:02 AM

Valerie,

I have reviewed the current proposed rule under consideration by the BOR, and its limitation that a member can only be put on speaker-phone or conference line by the Clerk or by staff is inconsistent with the Governor's Executive Order 7B, which does not contain any such limitation. A member who calls another member and is placed on speaker-phone or conference line, and who can be clearly heard and understood, is acting in a manner that is authorized, in my opinion, by E.O. 7B. Such a member's vote should be counted even if an inconsistent BOR rule is in place, as E.O. 7B expressly provides that it controls over conflicting requirements in a municipal regulation.

Mike

From: Rosenson, Valerie <VRosenson@StamfordCT.gov>
Sent: Wednesday, January 20, 2021 3:25 PM
To: Emmett, Kathryn <KEmmett@StamfordCT.gov>; Isidro, Judith <JIsidro@StamfordCT.gov>
Cc: Toma, Michael <MToma@StamfordCT.gov>
Subject: Fw: Legal Opinion - Executive Order Violation

Please see the request below from Chair Lee regarding the proposed change to the Rules of the Board of Representatives and whether the limitations of this proposed rule (a copy of the current draft is attached) could conflict with Governor Lamont's Executive Order 7B. This rule is on the agenda for the 2/1/21 Board meeting, and Chair Lee would like an opinion prior to that time. An example of a possible conflict mentioned at the L&R meeting was if a member who had technical difficulties called a second member (other than the Clerk) and that second member put the first member on speaker phone to vote.

Please feel free to contact me if you need additional information.

From: Lee, Benjamin
Sent: Wednesday, January 20, 2021 10:23 AM
To: Jacobson, Jonathan; Rosenson, Valerie
Subject: Re: Legal Opinion - Executive Order Violation

Thank you Jonathan. Valerie, could you please pass this request on to the Law Department for their follow-up? In particular, I would also like their advice on the consequences of a conflict; my understanding is that if a member votes in a way that is permitted under the EO but perhaps not permitted under our Rules, the EO will control and that member's vote will be counted.

Best regards,

Ben

Benjamin Lee
Stamford Board of Representatives
District 15 Representative
Phone: 203-614-9366
Twitter: @BenLeeCT
Email: blee@stamfordct.gov

From: Jacobson, Jonathan
Sent: Wednesday, January 20, 2021 10:08:29 AM
To: Lee, Benjamin
Subject: Legal Opinion - Execute Order Violation

Ben,

I ask that you please request a legal opinion relative to Rep. Sherwood's position that our rules of order may conflict with the Governor's Executive Orders. If this argument is going to be made on the floor I would like to have legal advice from the City.

Sincerely,

Jonathan Jacobson
Stamford Board of Representatives
District 12