



## **Legislative & Rules Committee – Board of Representatives**

Eileen Heaphy, Chair

# **Report of Meeting**

**Date:** Monday, August 25, 2014  
**Time:** 7:00 p.m.  
**Place:** Republican Caucus Room, 4<sup>th</sup> Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Heaphy and Committee Member Reps. Coleman, Mitchell, Zelinsky, Okun, and Silver. Absent or excused were Committee Member Reps. Doyle, Ryan and Day. Also in attendance were Reps. Adams and Fedeli; Burt Rosenberg and Michael Toma, Law Department; Beverly Aveni, Purchasing Agent; and Lou Casolo, City Engineer.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
<sup>1</sup> 1. <a href="#">LR29.027</a>	RESOLUTION; Correcting Scrivener's Error in Code §214-49. 07/28/14 – Submitted by Pres. Skigen	<b>Committee Approved 5-0-0</b>
<sup>2</sup> 2. <a href="#">LR29.022</a>	REVIEW; Purchasing Ordinance (Code Chapter 23, Article II) 06/04/14 – Submitted by Reps. Fedeli, Day, Coppola and Fountain 06/16/14 – No Action Taken 07/21/14 –Held by Committee	

A motion to approve LR29.027 was made, seconded and approved by a vote 5-0-0.

The committee discussed the proposed changes to the Purchasing Ordinance, attached.

<sup>3</sup>A motion to amend **§23-16 ¶A** was made and seconded and approved by a vote of 6-0-0. (See Attached page 3) (Heaphy, Coleman, Mitchell, Okun, Silver and Zelinsky in favor)

<sup>4</sup>A motion to amend **§23-16 ¶B** was made and seconded and approved by a vote of 6-0-0. (See Attached page 3) (Heaphy, Coleman, Mitchell, Okun, Silver and Zelinsky in favor)

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<sup>1</sup> Video Time Stamp 00:00:19

<sup>2</sup> Video Time Stamp 00:01:30 (Discussion)

<sup>3</sup> Video time stamp 00:53:20 (Vote)

<sup>4</sup> Video time stamp 00:53:20 (Vote)

<sup>5</sup>A motion to amend **§23-18.3 Waivers of competitive bid process or competitive proposal process ¶B(2)** was made, seconded and approved by a vote of 5-1-0. (See attached **page 9**) (Heaphy, Coleman, Mitchell, Okun, Silver in favor; Zelinsky opposed)

<sup>6</sup>A motion to amend **§23-18.4. Contracts ¶A** was made, seconded and approved by a vote of 5-1-0. (See attached **page 9**) (Heaphy, Coleman, Mitchell, Okun, Silver in favor; Zelinsky opposed)

<sup>7</sup>A motion to amend **§23-18.4.3 Contract compliance ¶B(1)** was made, seconded and approved by a vote of 5-1-0. (See attached **page 11**) (Heaphy, Coleman, Mitchell, Okun, Silver in favor; Zelinsky opposed)

<sup>8</sup>A motion to amend **§23-18.4.3 Contract compliance changing ¶D and adding ¶E**, was made, seconded and approved by a vote of 6-0-0. (See attached **page 12**) (Heaphy, Coleman, Mitchell, Okun, Silver and Zelinsky in favor)

<sup>9</sup>A motion to amend **§23-18.6. Centralized purchasing ¶C** was made, seconded and approved by a vote of 6-0-0. (See attached **page 13**) (Heaphy, Coleman, Mitchell, Okun, Silver and Zelinsky in favor)

<sup>10</sup>3. LR29.024 REVIEW; Board of Representatives Website **Report Made**  
communications policy.  
06/13/14 – Submitted by President Skigen  
07/21/14 – Report Made and Held by Committee

The Committee had a discussion with Attorney Toma regarding the Board communications policy. Items discussed included:

- The Board office has no legal obligation to publish communications on the internet and the Law Department feels that this is a problem because of the problem of potentially defamatory publications
- The FOI law does not prevent the Board from requiring someone who wishes to communicate with the Board from identifying themselves, but there is a First Amendment right to act anonymously
- No decision about publication should be based upon content, but this opens the City up to liability for defamatory content
- The Law Department feels the best way to proceed would to not post anything to the web; would not perform any gatekeeper function based on content; would allow people to communication with the BOR members themselves and tell the members of the Public that they can communicate directly with members of the BOR directly by getting email addresses from the BOR website.

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<sup>5</sup> Video time stamp 00:55:00 (Vote)

<sup>6</sup> Video time stamp 00:56:15 (Vote)

<sup>7</sup> Video time stamp 00:57:53 (Vote)

<sup>8</sup> Video time stamp 00:58:31 (Vote)

<sup>9</sup> Video time stamp 00:59:21 (Vote)

<sup>10</sup> Video time stamp 01:00:52

- If the Board office were to send every piece of communication received by the Board office to every Board member, the Board office is not performing a gatekeeper function and this might not subject the BOR to a possible defamation claim
- There is a risk created by the forwarding of communications by Board members to members of the public or the press

The Committee reached a consensus that 1) the Board office should no longer publish any communications received from members of the public on the website; 2) the Board office staff should not have to act as a gatekeeper for communications received by the Board office; and 3) the Board should investigate the possibility of a technological solution, by which Board members would be able to log in and review communications sent to the Board office without forwarding them.

Respectfully submitted,

Eileen Heaphy, Chair

This meeting is on [video](#).