



Legislative & Rules Committee – Board of Representatives

Benjamin Lee, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Thursday, December 21, 2017

Time: 7:00 p.m.

Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Lee, Vice Chair Coleman and Committee Member Reps. Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky. Also present were Reps. Cottrell, Matherne, McMullen and Sherwood; and Kathryn Emmett, Corporation Counsel.

Chair Lee called the meeting to order at 7:04 p.m.

Chair Lee noted that items would be taken out of order. There was no objection.

Under a Suspension of the Rules:

A motion to suspend the Board of Representatives Rules of Procedures (the "**Rules**") to take up Items LR30.020 and LR30.021, which had been submitted prior to the Steering Deadline but inadvertently omitted from the Steering Agenda, was made, seconded and approved by a vote of 7-1-0 (Reps. Lee, Fedeli, Jacobson, Lion, Nabel, Pia and Zelinsky in favor; Rep. Miller opposed).

Item No.	Description	Committee Action
4b. LR30.021	APPROVAL; Amendment to Board of Representatives Rules of Procedure to amend Section VIII to delete "or Special Meeting" 12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood	Approved 7-1-0

Committee members discussed that, since the Board has already held a Special Meeting, the deadline to amend the Rules by a simple majority would end no later than the February meeting as the Rules are currently stated. The Committee further discussed whether the time to amend the Rules by a simple majority should be longer than 3 months.

A motion to amend §VIII to delete the words "or Special" was made, seconded and approved by a vote of 8-1-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Nabel, Pia and Zelinsky in favor; Rep. Miller opposed).

- 4a. [LR30.020](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to amend Section VII increasing the postage allowance from \$750 to \$1000 and make other wording changes.
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Held 8-1-0**

Committee members and other Board members present discussed the current postage allowance, noting that

- \$750 is not enough to provide a mailing for an entire district
- the current Rules only allow the use of envelopes
- the current postage budget for the Board office is \$3,200 per year; in order to use this increase, the \$1000 per member would need to be included in the budget
- there are other avenues for outreach to the district; the Board office gives out addresses and phone numbers of representatives and representatives have their contact information on the website
- sharing the cost between representatives might not be feasible if they are in different parties
- The proposed amendment would require an appropriation of \$40,000 per year

A motion to hold this item was made, seconded and approved by a vote of 8-1-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor; Rep. Coleman opposed).

3. LR30.018 APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to make Rules non gender specific.
12/06/17 – Submitted by Reps. Sherwood, Matherne and Cottrell **Approved 7-0-2**

Committee members, other Board members and Ms. Emmett discussed changing the language of the Rules to remove references to gender. Concerns were expressed about the use of the singular “they or them”.

A motion to approve make the language in the Rules non-gender specific was made, seconded and approved by a vote of 7-0-2 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Pia and Zelinsky in favor; Rep. Coleman and Nabel abstaining).

- 1n. [LR30.014](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to change "cell phones" to "all personal electronic devices" in Sections IV.C.11 and VI.F.3.
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Approved 9-0-0**

A motion to approve Item LR30.014 changing “cell phones” to “all personal electronic devices” in §§ IV.C.11 and VI.F.3 was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

- 1o. [LR30.015](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to amend Sections V.A and V.E. to place Honorary Resolutions prior to Committee Reports.
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Approved 9-0-0**

A motion to approve Item LR30.015 to amend §§ V.A and V.E. to move Honorary Resolutions prior to Committee Reports in order to conform the Rules to current procedure was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

- 1p. [LR30.016](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to move Section V.B.4.d [V.E.3.c](#) to the beginning of that section. **Approved 9-0-0**
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood

Committee members and other Board members discussed moving § V.E.3.c (it was noted that the agenda referred to the wrong section) to the beginning of §V.E.3. A concern was expressed as to whether this would require additional work on the part of the Board office. It was determined that this change would conform the Rules to current procedure. A motion to approve Item LR30.016 to move Section V.E.3.c to the beginning of §V.E.3 was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

A motion to take a 5 minute recess was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor). The Committee took are recess at 8:05 p.m. and resumed at 8:13 p.m.

- 1e. [LR30.005](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to remove Section III **Approved 5-3-1**
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood

Committee Members and other Board members discussed removing §III of the Rules, Leadership, including:

- whether this could be addressed by having the Mayor come to the meeting of the Steering Committee
- whether the Rules need to contain a definition of leadership

A motion to approve LR30.005 to remove §III, Leadership, was made, seconded and approved by a vote of 5-3-1 (Reps. Fedeli, Lion, Nabel, Pia and Zelinsky in favor; Reps. Coleman, Jacobson and Miller opposed; Rep. Lee abstaining).

Chair Lee noted item LR30.006, 07, 08, 09 and 12 are all related and that the discussion of these items would overlap.

Rep. McMullen stated that the goal of these changes is to permit all Board members to participate in Executive Sessions of Committees, but to create of a class of members who don't count toward a quorum in order to avoid the situation in which 21 board members are required for a quorum of committee meetings and to eliminate the ½ votes of members at Steering.

Ms. Emmett explained that under FOIA, when a committee goes into executive session only members of the committee or people with relevant testimony are invited to go into executive session. The Board has dealt with this limitation in the past by having meetings of the Committee of the Whole. Designating all Board members who are not committee members as ex officio members would address this situation. Unless the Rules specify that ex officio members are not permitted to vote, the committees would require 21 members to have a quorum. This makes it possible for Board members who are not committee members to

participate in executive session. Items for which a committee might go into executive session would include labor negotiations or personnel matters.

Committee members discussed:

- giving every member of the Steering Committee one vote, would dilute the “voices” of the minority party at the Steering Committee. For example, the Republican Party currently has 4 members, but only 3 votes on Steering
- Allowing any member of the Board to vote at the Steering Committee could destroy proportionality
- The Steering Committee is a gateway to discussion, and items are sometimes held for a very long time or indefinitely
- Whether items should go on to the agenda automatically if held by Steering for 3 months
- The Steering Committee is a microcosm of the Board structure; if an item gets a majority of the votes, it goes forward, in accordance with normal democratic principles.

A motion to amend LR30.007, which proposes adding the following language to section IV, Committees: “All members of the Board of Representatives shall be ex-officio members of all committees to which they have not been appointed with the right to attend and to participate in any meeting thereof, notwithstanding however that, with the exception of the Steering Committee, ex-officio committee members shall not have the right to vote.” by deleting the phrase “, with the exception of the Steering Committee,” was made, seconded and approved by a vote of 8-1-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel and Pia in favor; Rep. Zelinsky opposed).

A motion to amend LR30.008 to amend the proposed language to “A quorum for any committee shall exist where a sufficient number of appointed members are present and constitute a majority of the total appointed committee members,” to “A quorum of any committee shall exist where a majority of the appointed members are in attendance” was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

Ms. Emmett explained that if LR30.007 were approved, all members of the Board of Representatives would be either appointed or ex officio members of every committee, and if a committee went into executive session, all members would be entitled to participate in the executive session by virtue of being appointed or ex officio members of such committee.

Committee members discussed whether ex officio members of committees would be able to make motions in committee meetings. Mr. Jacobson and Ms. Emmett reviewed Robert’s Rules of Order and determined that, based on a preliminary review, the ability of ex officio members to make amendments may be ambiguous. A motion to amend the last phrase of LU30.007 to “ex-officio committee members shall not have the right to make motions or to vote” was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

1g. [LR30.007](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to amend Section IV.A to permit all Board members to be ex-officio members of all committees to which they are not appointed, without the right to vote
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Approved, as amended, 7-2-0**

A motion to approve LR30.007, as amended, adding to §IV.A the language “All members of the Board of Representatives shall be ex-officio members of all committees to which they have not

been appointed, with the right to attend and to participate in any meeting thereof, notwithstanding however, that ex-officio committee members shall not have the right to make motions or to vote.” was approved by a vote of 7-2-0 (Reps. Coleman, Fedeli, Jacobson, Lion, Nabel, Pia and Zelinsky in favor; Reps. Lee and Miller opposed).

- 1h. [LR30.008](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to amend Section IV.A to state that a quorum of a committee shall consist of a majority of the "total appointed committee members."
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Approved, as amended, 9-0-0**

A motion to approve LR30.008, as amended, adding to §IV.A the language “A quorum of any committee shall exist where a majority of the appointed members are in attendance” was approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

- 1i. [LR30.012](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to delete the first sentence of Section IV.C.2
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Approved 9-0-0**

A motion to amend §IV.C.2 of the Rules to delete the first sentence and the phrase “Notwithstanding the foregoing,” from the beginning of the second sentence was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

- 1a. [LR30.001](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to remove the last sentence of Section II.A.1
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Failed 0-9-0**

Ms. Emmett stated that the definition of a quorum is in the Charter at §C2-10-6 and is more complicated than the comparable provision in the Rules. The relevant provisions do not conflict, though it was suggested that the Rules should contain a reference to the Charter. A motion to delete the last sentence of § II.A.1 was made, seconded and failed by a vote of 0-9-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky opposed).

- 1b. [LR30.002](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to remove Section II.A.5
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Failed 1-8-0**

Ms. Emmett stated that the Charter does provide that the members may vote in the event of the President’s absence. This is a rule that is followed and then if both were absent there would be vote. This section is not redundant of the Charter or in conflict with the Charter. This takes the place of a vote if the Majority Leader is present. A motion to delete § II.A.5 was made, seconded and failed by a vote of 1-8-0 (Rep. Nabel in favor; Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Pia and Zelinsky opposed).

- 1d. [LR30.004](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to amend Section II.A.8 to permit more than one Sergeant at Arms
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood **Approved 9-0-0**

A motion to amend § II.A.8 to add the word “more” and change the term Sergeant-at-Arms to Sergeants-at-Arms was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

- 1c. [LR30.003](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to **HELD**
1f. [LR30.006](#) [Procedure](#) to
1i. [LR30.009](#) c. remove Section II.A.7
1j. [LR30.010](#) f. amend Section IV.A to specify that all committee
1k. [LR30.011](#) members shall have one vote
1m. [LR30.013](#) i. amend Section IV.B regarding the composition of the Steering Committee and votes of Steering Committee members
j. amend Section IV.B regarding the election of a Temporary Chair of the Steering Committee in the absence of the President and the Majority
k. amend Section IV.B to clarify who can make nominations to fill vacancies in citywide elective office
m. change wording in Section IV.C.7
12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood

2. LR30.017 APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to require a) notice to all members of the Board when a legal opinion is requested, b) tracking of all legal opinion requests on the agenda (either the requesting committee or L&R); and c) review of all legal opinions by the Board **HELD**
12/06/17 – Submitted by Reps. McMullen, Matherne and Cottrell

A motion to hold LR30.003, 006, 009, 010, 011, 013 and 017 was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

Chair Lee adjourned the meeting at 9:36 p.m.

Respectfully submitted,
Benjamin Lee, Chair

This meeting is on video ([Pt. 1](#) & [Pt. 2](#))