



## Legislative & Rules Committee – Board of Representatives

Benjamin Lee, Chair

Elise Coleman, Vice Chair

# Committee Report

**Date:** Wednesday, February 28, 2018

**Time:** 6:30 p.m.

**Place:** Democratic 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 Lee, Vice Chair Coleman and Committee Member Reps. Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky. Absent or excused was Rep. Pia. Also present were Reps. Cottrell, de la Cruz and Sherwood; Ralph Blessing, Land Use Bureau Chief; and Kathryn Emmett, Corporation Counsel.

Chair Lee called the meeting to order at 6:34 p.m.

Item No.	Description	Invitee(s) or Designees
1. <a href="#">LR30.022</a>	ORDINANCE <u>for public hearing and final adoption</u> ; Amending <a href="#">Code §123-5</a> to conform to Public Act 17-176. 12/18/17 – Submitted by President Quinones <b>01/22/18 – Approved by Committee 7-0-1</b>	Approved 7-0-1

Chair Lee opened the public hearing. There being no members of the public present wishing to speak, the public hearing was closed. A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 7-0-1 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller and Zelinsky in favor; Rep. Nabel abstaining.)

2. <a href="#">LR30.032</a>	ORDINANCE <u>for publication</u> ; Amending <a href="#">Chapter 248, Article I</a> of the Code of Ordinances; Penalties for Violations of Zoning Regulations. 02/07/18 – Submitted by Mayor Martin and President Quinones	Approved, as amended, 7-0-1
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Mr. Blessing distributed the [attached handout](#) and he and Ms. Emmett discussed how this ordinance would change the zoning enforcement process with the committee as follows:

- The goal of this change is to improve the efficiency and effectiveness of the zoning enforcement process, to bring the City's buildings in to compliance with the zoning regulations, not punishment
- The ordinance establishes a fine of \$100 per day per violation.
- The citation process helps address recurring violations
- The cease and desist process is unwieldy; this gives another tool
- The ordinance contains an option for a resolution meeting, at which a plan for curing a violation, with a deadline, can be crafted
- The ordinance permits the Mayor to add additional citation enforcement officers to enforce zoning regulations

- The current enforcement process is complaint driven
- The ordinance contains a penalty for knowingly filing a false complaint
- The fine was reduced to \$100 because it is cumulative, which would bring it into accord with the blight ordinance; further, many of the individuals who pay such fine would likely not be large developers
- The citation itself will notice the possibility of a resolution conference
- The procedures for the resolution conference are still being worked out internally
- The Zoning Officer has discretion as to extensions and the waiving of fines, given the particular violation and how long it will take to cure (e.g. a violation that can't be cured until winter is over)
- The format of this ordinance is similar to the blight ordinance

A motion to change the phrase “his or her” in Section 248-8 to “the Zoning Enforcement Officer’s” was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

A motion to approve this ordinance for publication was made, seconded and approved by a vote of 7-0-1 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky in favor; Rep. Coleman abstaining).

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| 3. <a href="#">LR30.033</a> | ORDINANCE <u>for publication</u> ; Amending <a href="#">Code Section 23-18.12</a> ; Disqualification of Contractors from Bidding on City Contracts.<br>02/07/18 – Submitted by Mayor Martin | Withdrawn |
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Ms. Emmett stated that this item is being withdrawn by the Administration.

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| 4. <a href="#">LR30.011</a> | APPROVAL; Amendment to <a href="#">Board of Representatives Rules of Procedure</a> to amend Section <del>IV-B-III.B</del> to clarify who can make nominations to fill vacancies in citywide elective office<br>12/05/17 – Submitted by Reps. McMullen, Cottrell, Matherne and Sherwood<br><b>12/21/17 – Held by Committee 9-0-0</b><br><b>01/24/18 – Held by Committee 8-0-0</b> | Approved 6-2-0 |
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A motion to approve this item was made, seconded and approved by a vote of 6-2-0 (Reps. Lee, Fedeli, Jacobson, Lion, Nabel and Zelinsky in favor; Reps. Coleman and Miller opposed).

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| 5. <a href="#">LR30.017</a> | APPROVAL; Amendment to <a href="#">Board of Representatives Rules of Procedure</a> 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<br>12/06/17 – Submitted by Reps. McMullen, Matherne and Cottrell<br>12/21/17 – Held In Committee 9-0-0<br><b>01/24/18 – Held in Committee 8-0-0</b> | Approved, as amended 7-1-0 |
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Committee members discussed:

- The goal of sharing legal opinions with all members of the Board

- Whether members should debate an opinion of Corporation Counsel in committee, particularly if it is not linked to an agenda item
- The need to keep opinions subject to attorney-client privilege confidential
- Whether the request for an opinion should be included on the agenda

A motion to strike the third sentence of proposed §III.A.5 was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

A motion was made to change the language of the second sentence and add a new third sentence to proposed §III.A.5, reading: “Any such request made by such representatives of the Board of Representatives, unless privileged in the opinion of Corporation Counsel, shall be noted on the Board of Representatives’ official website. Formal opinions, unless privileged, shall be published on the official Board of Representatives website and noted in the weekly communications.” Such motion was seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

A motion to change the first sentence of proposed §III.A.5 to delete the words “Per the Charter” and “(deputy leaders, co-Chairs, and vice Chairs are not listed as participating) was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

A motion to approve proposed §III.A.5, as amended, was made, seconded and approved by a vote of 7-1-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Nabel and Zelinsky in favor; Rep. Miller opposed).

6. [LR30.025](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to Allow a Public Participation Session of not more than 15 Minutes at all Board Meetings and Allowing Each Individual not more than 3 Minutes. Failed 2-6-0  
01/3/18 – Submitted by Rep. Zelinsky  
**01/24/18 – Held in Committee**

Committee members discussed:

- Whether 15 minutes would be sufficient or whether the rules would have to be suspended to allow everyone to speak
- Whether the public would be better served by other options, such as public forums
- The Board of Finance and the Board of Education do allow public participation
  - These boards do not hold public hearings during committee meetings
  - A committee chair has discretion to allow the public to speak
  - The Board of Education limits the time for speaking if many people want to speak
- That President Quinones could limit the amount of time
- The proposal would enable the public to see the Board as a whole
- However, the proposed speaking time could get unruly
- The Board of Representatives considers more items at a given meeting than the Board of Finance or the Board of Education
- The Board of Representatives is not a citywide board, unlike the Board of Finance or the Board of Education; the structure is to have constituents come through their representatives
  - Representatives’ contact information is contained on the website

A motion to approve this item was made, seconded and failed by a vote of 2-6-0 (Reps. Nabel and Zelinsky in favor; Reps. Lee, Coleman, Fedeli, Jacobson, Lion and Miller opposed).

7. [LR30.026](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to Clarify the role of secondary committees. Approved 7-0-0  
01/3/18 – Submitted by President Quinones  
**01/24/18 – Held in Committee**

A motion to approve the addition of proposed §III.B.5 and the deletion of III.C.8 was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller and Zelinsky in favor).

8. [LR30.027](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to Clarify the roles of Sponsors and Co-Sponsors; Can members co-Sponsor items submitted by the Mayor; How/If 3rd parties can submit items to the Board (other than as specified in Code). Approved 8-0-0  
01/3/18 – Submitted by President Quinones  
**01/24/18 – Held in Committee**

A motion to approve the addition of proposed second and third sentences to §III.B.2 was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller, Nabel and Zelinsky in favor).

9. [LR30.029](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to Remove Section VI (Postage Allowance). Approved 7-1-0  
01/31/18 – Submitted by Reps. Lion and Miller

Committee members discussed this item as follows:

- Whether there are more effective and economical ways to communicate with constituents
- Whether there should be a provision in the rules if there is no money in the budget or if this would give preferential treatment to the representatives who ask first
- \$750 is not a large sum of money; whether there is a way to make this work
- Whether the allowance should be included in the rules
- The Communications Committee can ask for funding for a mailing
- Not all representatives will use this
- Not all constituents can be reached through social media
- The postage allowance, if funded, would be a method for representatives to introduce themselves to constituents

A motion to approve this item was made, seconded and approved by a vote of 7-1-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller and Nabel in favor; Rep. Zelinsky opposed).

10. [LR30.034](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) , Section III. C, #11, re: use of Electronic Devices. Failed 1-6-1  
02/07/18 – Submitted by Rep. Nabel

Committee members discussed this item as follows:

- Members may be using phones or electronic devices for Board business
- Leaving the room may be more disruptive than texting
- Members should be able to use phones courteously

A motion to approve this item was made, seconded and failed by a vote of 1-6-1 (Rep Nabel in favor; Reps. Lee, Coleman, Fedeli, Jacobson, Miller and Zelinsky opposed; Rep. Lion abstaining).

11. [LR30.019](#) REVIEW; Restricting Single-Use Plastic Shopping Bags in Stamford. Held 7-1-0  
12/07/17 – Submitted by Rep. Zelinsky  
**01/24/18 – Held in Committee**

Ms. Emmet noted Mr. Toma's legal opinion that the City can enact a ban, but cannot impose a tax. Greenwich is currently considering a proposal imposing a ban and a fee on paper bags, which may not be permissible in Connecticut. There has been some litigation requiring a showing of a rational basis for a ban.

Committee members expressed concern that it was too late in the evening to fully and properly discuss this item. A motion to hold this item was made, seconded and approved by a vote of 7-1-0 (Reps. Lee, Coleman, Fedeli, Jacobson, Lion, Miller and Nabel in favor; Rep. Zelinsky opposed).

Chair Lee adjourned the meeting at 10:08 p.m.

Respectfully submitted,  
Benjamin Lee, Chair

This meeting is on [video](#).