



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

Benjamin Lee, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Monday, March 30, 2020

**Time:** 7:00 p.m.

**Place:** Held by Webinar

The Legislative & Rules Committee met as indicated above. In attendance were Chair Lee and Committee Member Reps. Fedeli, Jacobson, Lion, Miller, Nabel, and Zelinsky. Absent or excused were Committee Member Reps. Coleman and Florio. Also present were President Quinones and Reps. McMullen, Morson, Sherwood, Stella and Summerville; and Dana Lee, Law Department and Michael Johnson.

Chair Lee called the meeting to order at 7:05 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR30.093</a>	RESOLUTION <u>and public hearing</u> ; Approving the Sale of 0 High Ridge Road, Stamford, CT to the State of Connecticut Department of Transportation. 02/27/20 – Submitted by Mayor Martin 03/03/20 – Approved by <a href="#">Planning Board</a> 03/16/20 – Approved by Board of Finance	Approved 7-0-0

Chair Lee opened the public hearing. There being no members of the public on the Webinar wishing to speak, the public hearing was closed.

Mr. Lee discussed this item with the Committee as follows:

- This is the sale of 1,600 ft<sup>2</sup> of unused land on High Ridge Road to the Connecticut Department of Transportation. The DOT is doing repair work to the Merritt Parkway and needs that portion of land for bridge repair.
- There is a deed restriction that the land can only be used as a park but it has not been dedicated as a park, and so qualifies as ordinary unused land
- The sale price is \$13,500 and was approved by the Planning Board and the Board of Finance
- The deed restriction does not make the property parkland. The deed restriction means that if the City were to use the land, it would have to be used as parkland. Given the location, the City has had no interest in making it parkland.
- The property was originally owned by the State and now they are taking it back.

A motion to approve Item No. 1 was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

2. [LR30.070](#) ORDINANCE for publication; Concerning Polystyrene and Retail Vendors. Held 7-0-0  
 06/05/19 – Submitted by Rep. Jacobson, de la Cruz, Kolenberg, Lion, Cottrell and Zelinsky  
 06/18/19 – Held by Committee 6-0-0  
 07/23/19 – Held by Committee 6-0-0  
 08/20/19 – Held by Committee 6-0-0  
 09/17/19 – Held by Committee 6-0-0  
 10/22/19 – Held by Committee 6-0-0  
 11/12/19 – Held at Steering  
 12/09/19 – Held at Steering  
 01/13/20 – Held at Steering  
 02/18/20 – Held by Committee 7-0-0

A motion to hold Item No. 2 was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

A motion to suspend the rules to take up Item No. 3 was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, and Zelinsky in favor).

***Under a Suspension of the Rules:***

3. [LR30.094](#) APPROVAL; Amendment of the Rules of the Board to add Section II.A.7 re: extended absence of President. Approved 3-0-4  
 03/26/20 – Submitted by President Quinones and Rep. Lee.

Rep. Lee explained that this proposed rule change has two separate parts. The first part (which eliminates current Section II.A.5 and replaces it with proposed Section II.A.6) modifies the current rule which provides that the Majority Leader will be Temporary Chair in the absence of the President. This rule change makes the Clerk the Temporary Chair, then the Majority Leader is Temporary Chair if the Clerk is not available, then the Minority Leader if the Clerk and the Majority Leader are not available.

Committee members discussed this proposed change to eliminate §5 and replace it with proposed ¶6. Items discussed included:

- Whether the Majority Leader should act first as Temporary Chair
- The Charter distinguishes between a Temporary Chair and a Chair – the Temporary Char only convenes the meeting and holds an election for a Chair of the meeting
- A Temporary Chair is needed, however, to start the meeting
- The provisions of new §6 could be changed to provide that the Majority Leader is the Temporary Chair prior to the Clerk
- The Clerk is an elected position, so it makes sense to have the Clerk act as Temporary Chair; such logic is consistent with Roberts’ Rule of Order
- The meeting can be called by the Mayor or by 10 members of the Board and can be called on 24 hours’ notice
- The current §5 was only put in by the 29<sup>th</sup> Board

A motion to delete Section II.A.5 and insert new Section II.A.6 was made, seconded and approved by a vote of 6-0-1 (Reps. Lee, Fedeli, Jacobson, Lion, Miller and Nabel in favor; Rep. Zelinsky abstaining).

The Committee then went on to discuss the insertion of Section II.A.7 (Per Committee discussion, these two items will be broken into 2 separate items on the regular Board meeting agenda), as follows:

- Under the Charter, in the event that the Mayor is absent or disabled, the President of the Board becomes the Acting Mayor. If the President is absent or disabled, the Board designates an Acting Mayor
- Chair Lee has asked for an opinion from Corporation Counsel as to whether the Acting President would have all of the powers of the President
- It is practical to have someone acting as president in the event of the President's extended absence, but the Corporation Counsel needs to confirm that this is consistent with the Charter; specifically, can the Board create this position of Acting President?
- The "expected" absence will be determined by the Board; a majority of members "may" vote to appoint an Acting President; it is too hard to define an expected absence, but this lets the Board determine if they think this is necessary
- The 30 day period is necessary; there is no need to trigger this if the President is only going to be absent for a week or acting Mayor for a week
- In the event that the President is absent or disabled and the Mayor remains active, the new language takes pressure off of the Board, which is otherwise put in an uncomfortable position of having to remove the President in order to have someone fulfill those duties, in that this provision because it doesn't require permanency – once the President is recovered, the President returns to office and the Acting President is automatically removed.
- Roberts' Rules provides a mechanism to elect a chair pro tem; this uses that model
- This would address the type of situation the Board could have now; if the President were in Europe and would not be able to get back, but would be back at some point in the future
- Under the Charter, President can only serve as Acting Mayor for 60 days, thus, the Charter does contemplate moving issues of succession along.
- Corporation Counsel will be asked about any emergency powers the Board might have, as well as the aforementioned issue of whether the position of an Acting President can be created.

A motion to hold the insertion of Section II.A.7 was made but did not receive a second.

A motion to approve the insertion of Section II.A.7 was made, seconded and approved by a vote of 3-0-4 (Reps. Lee, Lion and Miller in favor; Reps. Fedeli, Jacobson, Nabel and Zelinsky abstaining).

Chair Lee adjourned the meeting at 9:08 p.m.

This meeting is on [video](#).

Respectfully submitted,  
Benjamin Lee, Chair