



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Tuesday, February 28, 2023
Time: 7:00 p.m.
Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chairs Nabel and Berns; and Committee Member Reps. Boeger, Cottrell, Fedeli, Jacobson, Matheny, Miller, and Sherwood. Also present were Reps. Adams, de la Cruz, Mays, Morson, Stella, Summerville, and Tomas; Tom Cassone and Dana Lee, Office of Corporation Counsel; and Matt Quinones, Director of Operations. Rep. Jacobson left the meeting at 8:49 p.m.

Co-Chair Nabel called the meeting to order at 7:02 p.m.

Item No.	Description	Committee Action
1. LR31.033	ORDINANCE for <u>public hearing and final adoption</u> ; Amending Chapter 164 of the Code of Ordinances, Noise , § 164-3, Definitions and Proposed §164-6a, Restrictions on Gas-Powered Leaf Blowers. 08/03/22 – Submitted by Reps. Nabel, Berns and Mays 08/23/22 – Held by Committee 7-0-0 09/29/22 –Held by Committee 8-0-0 10/25/22 – Report Made & Held by Committee 6-0-0 11/29/22 – Held by Committee 8-0-0 12/19/22 – Held by Committee 6-0-0 01/24/23 – Approved by Committee 5-3-0	Held 8-1-0

Co-Chair Nabel opened the public hearing. Kieran Matthew Edmondson, Mike Papa, Jason Munshi-South, Melanie Hollas, Sue Halpern and Klevisa Kovaci spoke in favor of the proposed ordinance; Ellen Weber spoke in opposition to the ordinance. The [attached comments](#) from Anna Moschella, Colleen Carroll, Stuart Downie, Vanessa David, David Satz, Glenn and an unnamed resident which had been submitted on the Google Form were read into the record. The [attached comments](#) which had been submitted on the Google Form from Amy Fischer and Sally Russell were submitted to members of the Committee prior to the meeting. There being no further members of the wishing to speak, the public hearing was closed.

Committee members continued to discuss Item No. 1. Comments and discussion of Board or Representatives' included remarks like the following:

- Gas powered backpack blowers would be covered by this ordinance
- The ordinance does not ban gas powered leaf blowers but rather limits the hours of use of domestic power equipment

- The mining for batteries for battery-powered equipment also has environmental consequences
- This language is not inclusive of all of the voices of members of the community
- The landscaper community did not attend the public hearing
- This ordinance will be a hardship in the fall during leaf pickup months and should be suspended during this period

Director Quinones stated that municipal curbside leaf pickup is generally from mid-November to the end of December, beginning at 7:00 a.m. until sunset. Outside of that period, leaf blowers are primarily used by the Parks Department, which starts its day at 7:00 a.m. There are some locations with leaf blowers, but they try to adjust their starting time for leaf blowers to 8:00 a.m. because of the noise, unless there are unforeseen circumstances. The proposed ordinance would present more of an issue on weekends, when they also start at 7:00 a.m. Leaf pickup season would be the greatest problem because of the short proposed window.

Committee members continued to discuss Item No. 1. with the following remarks being made:

- Outlawing gas powered blowers would create a substantial burden on homeowners
- Residents may not get home from work in sufficient time to comply with this proposal

Director Quinones noted that if this ordinance were to apply to the City, he would want the Director of Operations, the Director of Public Safety or the Mayor to be able to extend the hours with notice to the Board of Representatives, particularly during leaf season. There should also be an exemption for forestry work and emergency tree removal. These changes would not address the impact on work in the parks.

A motion to hold Item No. 1 was made, seconded, and approved by a vote of 8-1-0 (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor; Rep. Jacobson opposed).

2. [LR31.041](#) ORDINANCE for public hearing and final adoption; **Recommitted to**
 Amending [Chapter 164 of the Code of Ordinances,](#) **Steering 8-0-0**
[Noise](#), §164-10, Violations and Penalties. [Split from
[LR31.033](#)]
 12/07/22 – Submitted by Reps. Nabel, Berns and
 Mays
 12/19/22 – Held by Committee 6-0-0
 01/24/23 – Approved by Committee, as amended,
 8-0-0

Co-Chair Nabel opened the public hearing. Kieran Matthew Edmondson, Mike Papa, and Ellen Weber spoke. The [attached comments](#) from Anna Moschella, Colleen Carroll, Stuart Downie, Vanessa David, David Satz, Glenn and an unnamed resident which had been submitted on the Google Form were read into the record. There being no further members of the wishing to speak, the public hearing was closed.

Corporation Counsel Lee noted that since this section contains an exemption for the leaf blower language, it does not make sense to approve Item No. 2 without Item No. 1. A motion to recommit Item No. 2 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

3. [LR31.042](#) ORDINANCE for publication; Amending [Chapter 164 of the Code of Ordinances, Noise](#), §164-5.E, Violations and Penalties – Exemptions and Special Conditions; Subsections 1 and 5, and other miscellaneous changes to §§ 164-3, Definitions; 164-4, Noise Level Measurement Procedures; 164-6, Prohibited Noise Activities; and 164-9, Inspections. [Split from [LR31.033](#)]
 12/07/22 – Submitted by Reps. Nabel, Berns and Mays
 12/19/22 – Held by Committee 6-0-0
 01/24/23 – Held by Committee 8-0-0
- Recommitted to Steering 8-0-0**

A motion to recommit Item No. 3 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

4. [LR31.018](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Establish a Postage Mailing Allowance to Facilitate Representatives' Broader Communication with Constituents.
 02/09/22 – Submitted by Reps. de la Cruz, Morson, and Sherwood
 03/01/22 – Held by Committee 8-0-0
 03/29/22 – Held by Committee 7-0-0
 04/26/22 – Held by Committee 8-0-0
 06/27/22 – Report Made & Held by Committee 7-0-0
 07/11/22 – Moved to Pending
 09/29/22 –Held by Committee 8-0-0
 10/25/22 –Held by Committee 6-0-0
 11/29/22 – Held by Committee 7-0-0
 12/19/22 – Held by Committee 6-0-0
 01/24/23 – Approved by Committee, as amended, 6-2-0
 02/06/23 – Held by Full Board
- Approved 6-1-0**

A motion to take up the latest language submitted by Reps. de la Cruz, Morson and Sherwood for Item No. 4 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor). Rep. Sherwood reviewed the changes made in the most recent version, including requiring mailing to everyone in a district and moving up the time period during which mailings would not be permitted from July to May.

Committee members discussed the proposed rule change. Remarks made included the following:

- An outside vendor can marry the electronic address from the assessor with the list of streets within districts on the Board's website.
- The Board office would be responsible for going through the procurement process to procure printing and mailing services

A motion to amend the first sentence to permit mailing a card "no more expensive than" a 6x11 inches card, 2-sided color was made, seconded, and subsequently withdrawn.

Committee members continued to discuss the proposed rule change. Remarks made included the following:

- Use of a uniform template will make this as easy as possible; this is more equitable than a fixed amount of money
- The vendor will have to be willing to do mailings at multiple times and the quote can't be dependent on total quantity
- The printing house would have design services

A motion to approve Item No. 4 was made, seconded, and approved by a vote of 6-1-1 (Reps. Berns, Nabel, Boeger, Cottrell, Matheny, and Sherwood in favor; Rep. Miller opposed; Rep. Fedeli abstaining).

5. [LR31.045](#) ORDINANCE for publication; Amending Code of **Held 8-0-0**
Ordinances, [Chapter 6, Article XVII, Appointments](#)
[Commission, §6-122](#), Membership of the
Commission
01/04/23 – Submitted by Rep. Stella
01/24/23 – Held by Committee 8-0-0

As a Secondary Committee: Appointments

A motion to hold Item No. 5 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

6. LR31.044 REVIEW; Overview of Office of Legal Affairs. **Held 8-0-0**
01/04/23 – Submitted by Rep. Cottrell
01/09/23 – Held at Steering

Mr. Cassone noted that he has only been Corporation Counsel for a week. He would like to see the department use less outside counsel. He does not anticipate any program expansion in the current budget. The department is much larger than when he was last Corporation Counsel. The department does not keep a breakdown of cases by type/cost. He would like to get specific questions beforehand so he can come prepared to answer them.

A motion to hold Item No. 6 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

Co-Chair Nabel adjourned the meeting at 10:16 p.m.

Respectfully submitted,
Philip Berns, Co-Chair for Susan Nabel, Co-Chair

This meeting is on [video](#).