



Legislative & Rules Committee – Board of Representatives

Phil Berns, Chair

Sean Boeger, Vice-Chair

Notice of Meeting

Date: Tuesday, November 28, 2023

Time: 7:00 p.m.

Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Chair Berns, Vice Chair Boeger, and Committee Member Reps. Cottrell, Fedeli, Jacobson, Miller, Pierre-Louis, and Sherwood. Excused was Rep. Matheny. Also present were Reps. Figueroa, Goldberg, Graham, Morson, and Summerville. (Rep. Cottrell left the meeting at 8:23 p.m.; Rep. Pierre-Louis joined the meeting at 9:38 p.m.)

Chair Berns called the meeting to order at 7:01 p.m.

Item No.	Description	Invitee(s) or Designees
1. LR31.060	REVIEW; Potential Ordinance to Stop Loud and Excessive Exhaust Pollution (SLEEP). 09/27/23 – Submitted by Rep. Jacobson 10/24/23 – Held by Committee	Held 7-0-0

Rep. Jacobson stated that this item is still being reviewed by Corporation Counsel's office.

A motion to hold Item No. 1 was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Miller, and Sherwood in favor).

2. LR31.061	REVIEW; Prohibition of City Employees serving on Boards or Commissions or in Elected Positions other than as a Requirement of their Employment. 11/02/23 – Submitted by Rep. Goldberg	Report Made
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Rep. Goldberg explained that he asked for this review because he has been asked about this issue from time to time and has lived in areas where it is not permitted for City employees to serve on elective boards.

Committee members discussed this item with the invited guests. Items discussed included the following, significantly condensed and paraphrased:

- CGS §7-421 states in pertinent part that
“Notwithstanding the provisions of this subsection, any municipal employee may be a candidate for a federal, state or municipal elective office in a political partisan election and no municipality or any officer or employer thereof shall take or threaten to take any personnel action against any such employee due to such candidacy. No person seeking or holding state or municipal office in accordance with the provisions of this subsection shall engage in political activity or in the performance of the duties of such office while on municipal duty or within any

period of time during which such person is expected to perform services for which such person receives compensation from the municipality.”

- Any municipal employee may seek elective office.
- There could be conflict of interest, in which case the employee would be careful and get guidance from the Board of Ethics on votes, etc., on which they should not participate; but the conflicts would not necessarily preclude them from acting on every item.
- The Code of Ethics does speak in detail about conflicts.
- Conflicts generally relate to financial gain.
- It would be interesting to know whether the Connecticut law is consistent with other state statutes.
- There are certain offices that can't be held at the same time by statute, e.g. the Assessor can't be on the Board of Assessment; or a member of a Board can't be a member of a Board over which the member has oversight (e.g. the Zoning Enforcement Officer could not be a member of the Zoning Board of Appeals)

3. LR31.062 REVIEW; Prohibition of Members of Elective Boards **Report Made**
 serving on City Boards or Commissions or in Other
 Elective Positions other than as a Requirement of
 their Membership on an Elective Board.
 11/02/23 – Submitted by Rep. Goldberg

Rep. Goldberg explained that he asked for this review because he has been asked about this issue from time to time about the ability of members to serve on local town political committees, local political boards, state boards and/or federal boards simultaneously.

Committee members discussed this item with the invited guests. Items discussed included the following, significantly condensed and paraphrased:

- Connecticut does permit the holding of multiple offices, CGS § 9-210 lists the various offices that are incompatible with public office; there is a court opinion which holds that this list is exhaustive.
- A municipality would not be precluded from passing an ordinance limiting dual office holding; a municipality can alter the organization of municipal offices and commissions if there is no conflict with State law.
- The extent to which the Board could regulate activity on the DCC or RTC would require more research; possibly the Board could regulate its own activities; this should be the subject of more discussion.

4. LR31.063 REVIEW; Requiring all City Employees, Elected **Report Made**
 Officials, or Appointed Officials participating in a
 Meeting by Means of Electronic Equipment to Have
 Their Video On.
 11/02/23 – Submitted by Rep. Goldberg

Rep. Goldberg explained that he asked for this review because he has been asked by constituents why members of the Board do not have their cameras on. The private sector is moving to the default of having their cameras on, with an explanation for why cameras are off. How should the collegiality of a physical space be replicated on screen?

Committee members discussed this item with the invited guests. Items discussed included the following, significantly condensed and paraphrased:

- It is off-putting when people are off their cameras while speaking, but State law which permits the virtual meeting option.

- An amendment to the Board's rules was previously discussed by the Board and failed.
- New audio/video equipment will be in the Chambers, so people could be present in person.
- The Board could pass a rule regulating how meetings are conducted. Other Boards already require members of their board to be on camera. The Board would not be able to pass rules as to other Boards.
- Could the Board pass an ordinance regarding the use of cameras? This would have to be looked at more closely and would have to be carefully crafted.
- Members may not have the resources to display their surroundings.
- virtual backgrounds would solve that issue.
- The State legislature has a rule that requires members to be on camera when they speak and when they vote.
- Nobody should be forced to show themselves on screen.
- A motion to hold would allow Attorney Cassone to research the ability of the Board to regulate this issue.
- The Board should get community engagement regarding screens.

A motion to hold Item No. 4 was made, seconded, and failed by a vote of 3-3-0 (Reps. Fedeli, Jacobson, and Miller in favor; Reps. Berns, Boeger, and Sherwood opposed).

5. LR31.064	REVIEW; Possible Requirement that City Post Transcripts of all Public Meetings. 11/09/23 – Submitted by Tom Cassone and Carmen Hughes	Recommitted to Steering 6-0-0
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A motion to recommit Item No. 5 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Jacobson, Miller, and Sherwood in favor).

Due to the absence of Clerk Cottrell, Item 6 was tabled until the end of the meeting.

7. LR31.052	APPROVAL; Amending the Rules of the Board to Establish New Guidelines in Regard to How Members of the Board of Representatives Shall Resign. 04/27/23 – Submitted by Rep. Stella 05/23/23 – Recommitted to Steering 8-0-0 06/26/23 – Held by Committee 8-0-0 07/10/23 – Held at Steering 08/14/23 – Held at Steering 09/11/23 – Held at Steering	Recommitted to Steering 6-0-0
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A motion to recommit Item No. 7 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Jacobson, Miller, and Sherwood in favor).

8. [LR31.053](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Delete Board Section V. Rules of Procedure, Subsection C. Motions. **Approved 4-3-0**
- 06/07/23 – Submitted by Rep. Boeger
06/26/23 – Held by Committee 3-2-2
07/10/23 – Held at Steering
08/14/23 – Held at Steering
09/28/23 – Approved by Committee 4-3-0
10/02/23 – Recommended to Steering by Full Board

Committee members discussed this item. Items discussed included the following, significantly condensed and paraphrased:

- The Board should rely on the motions in Robert's
- The original rules of procedure as they are structured prevent committee work on the floor
- This would enable the Board to be more flexible
- This rule has not been enforced

A motion to approve Item No. 8 was made, seconded, and approved by a roll call vote of 4-3-0 (Reps. Berns, Boeger, Pierre-Louis and Sherwood in favor; Reps. Fedeli, Jacobson, and Miller opposed).

6. [LR31.040](#) APPROVAL; Amendment to the Board of Representatives Rules of Procedure re: Use of Virtual Meeting Licenses by Representatives. **Recommended to Steering 7-0-0**
- 11/29/22 – Submitted by Rep. Cottrell
12/12/22 – Moved to Pending
03/29/23 – Recommended to Steering 6-0-0
04/25/23 – Recommended to Steering 8-0-0
05/23/23 – Recommended to Steering 8-0-0
06/26/23 – Held by Committee 8-0-0
07/10/23 – Held at Steering
08/14/23 – Held at Steering
09/28/23 – Recommended to Steering by Committee 7-0-0
10/24/23 – Recommended to Steering by Committee 7-0-0

A motion to recommit Item No. 6 to Steering was made, seconded, and approved by unanimous voice vote (Reps. Berns, Boeger, Fedeli, Jacobson, Miller, Pierre-Louis, and Sherwood in favor).

Chair Berns adjourned the meeting at 9:40 p.m.

Respectfully submitted,
Philip Berns, Chair

This meeting is on [video](#)