

# 28<sup>TH</sup> BOARD OF REPRESENTATIVES CITY OF STAMFORD

President  
**RANDALL M. SKIGEN**  
Clerk of the Board  
**ANNIE M. SUMMERVILLE**

Majority Leader  
**JOHN J. BOCCUZZI**  
Minority Leader  
**ROBERT "GABE" DELUCA**

October 20, 2010

Representative Andrew Sklover  
Representative Annie Taylor  
Representative Mary Uva  
Representative Mary Savage

Dear Representatives Sklover, Taylor, Uva, and Savage:

I am in receipt of your letter dated October 18, 2010 expressing your dismay over the September 28, letter from leadership of this Board to the Mayor, Director of Administration and Director of Legal Affairs concerning the attempt by the Board of Finance to hire outside counsel.

While I appreciate your concerns, I feel they are misplaced. As to the fact that the letter was sent without informing you or copying you, the letter was not a letter from the Board, but was instead a letter from the eight individuals who have been elected to leadership positions by the members of the Board. I made the decision not to copy the letter to every member of the Board at the time it was written in order to not immediately make this a public issue and to give the Mayor and his administration the necessary time to consider this matter in due course. There is no obligation on the part of any member of our Board to copy every other member of our Board on any piece of correspondence. When I received a response from Mr. Larobina in the form of a memorandum to Mr. Bosak and also heard from the Advocate regarding the letter on October 14, I had the leadership letter posted on the website immediately and included in the next weekly mailing.

Regarding the stated concern in your letter that the correspondence sent by leadership creates an unwarranted conflict between the BOF and the BOR, I must strongly disagree. Although you point to one portion of the BOF minutes of September 23, 2010 (which have been approved without change by the four members in attendance), there are other portions of the minutes and statements by the members of the BOF which make clear the necessity of our response. The minutes clearly state that "[t]he Board agreed that such **counsel should have expertise in constitutional law** and knowledge of municipal government and its operation." [Emphasis added]. The issue of the constitutionality of the Ethics Ordinance never has been raised, to the best of my knowledge, until Mr. Tarzia's attorney raised this issue in a pending ethics complaint. This has also led to Mr. Tarzia initiating a federal lawsuit naming the City of Stamford, among others, as a defendant in which the same constitutional arguments have been raised. I can see no circumstance in which the taxpayers of Stamford should be asked to pay for outside counsel to buttress an argument made by private counsel in a pending ethics action or in a pending federal lawsuit against the City.

The BOF does not even seem certain as to what individual members want from outside counsel. As Mr. Larobina noted in his October 13, 2010 memorandum to Mr. Bosak:

The scope of the BOF's request for a legal opinion changed somewhat at that meeting [of September 23, 2010] based on the comments made by board members. The BOF's final vote concerning its initial request was substantially different at the conclusion of that meeting. In fact the Stamford Advocate article outlined conflicting views attributed to Mr. Tarzia and Mr. Kolenberg of exactly what the BOF was asking for. As we discussed at our meeting, at this point I am not clear at all what the Board is asking for. Whether it is asking for my office to opine on Mr. Tarzia's attorney's written memorandum or whether it is asking for an explanation of what the BOF's responsibilities are under the Code of Ethics or their responsibilities in general.

If what the BOF actually wanted was guidance on responsibilities under the ethics ordinance, they would be entitled to it. This was clearly stated in the letter from leadership. However, when the BOF members agreed that outside counsel should have expertise in constitutional law, they clearly indicated their desire for something more than such guidance. Indeed, I thought it was important enough for our Board members to receive such guidance that I had James Rubino, a former member of our Board (as well as the BOF and the BOE) and one of the primary authors of the Ethics Ordinance, deliver a talk on this issue at our Legislative Seminar.

Director Larobina continued by referencing the September 28 letter from the members of leadership of our Board:

[T]he BOR on September 28, 2010 issued a letter signed by its leadership that essentially stated it does not think the BOF has the authority to hire its own legal counsel nor is it appropriate for the City to be paying for such expense to validate Mr. Tarzia's own private legal counsel's opinions. I concur with the BOR opinion and believe its letter stating leadership's position is well written and legally on point.

You are certainly within your rights to deem the position taken by the eight members of leadership of our Board "inappropriate" and to disagree with Director Larobina's position on this issue. However, I believe that it is incumbent upon our Board to insure that proper procedures are followed not only by our Board, but by other boards and commissions when they appear to be attempting to take positions that are contrary to the City's Charter and Code of Ordinances. This is particularly true when such positions will be to the detriment of the taxpayers of Stamford.

Respectfully,

Randall M. Skigen  
President  
Board of Representatives

Representatives Sklover, Uva, Taylor and Savage  
October 20, 2010  
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cc: Annie Summerville, Clerk of the Board  
John Boccuzzi, Majority Leader  
Robert "Gabe" DeLuca, Minority Leader  
Gloria DePina, Deputy Majority Leader  
Mary Fedeli, Deputy Minority Leader  
Eileen Heaphy, Deputy Majority Leader  
Scott Mirkin, Deputy Minority Leader