

30TH BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
MATTHEW QUINONES

Clerk of the Board
SUSAN NABEL

Majority Leader
RODNEY PRATT

Minority Leader
MARY L. FEDELI

MINUTES

President Quinones called the meeting to order at 7:15 p.m.

President Quinones read the call of the meeting: "We, the undersigned members of the 30th Board of Representatives of the City of Stamford, Connecticut, and pursuant to Section C2-10-4 of the Stamford Charter, hereby call a Special Meeting of said Board of Representatives at the following time and place:

Tuesday, March 12, 2019

7:00 p.m.

Legislative Chambers, 4th Floor
Government Center
888 Washington Boulevard
Stamford, CT 06904-2152

to consider and act upon the following:

1. [CENSURE](#) of a Representative Marion McGarry for conduct detrimental to the public's trust and confidence in the Stamford Board of Representatives.
03/04/19 – Submitted by Rep. Jacobson

AGENDA

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President Matthew Quinones

ROLL CALL: Conducted by Clerk of the Board Susan Nabel. There were 33 members present and 7 members absent or excused. (Reps. Aquila, Coleman, Cottrell, DePina, Di Costanzo, Fedeli, Figueroa, Giordano, Graziosi, Jacobson, Kolenberg, Lee, Lion, Lutz, Mahoney, Matherne, McMullen, Miller, Moore, Morson, Nabel, Patterson, Pia, Pratt, Quinones, Roqueta, Sherwood, Spadaccini, Stella, Summerville, Wallace, Watkins and Zelinsky present; Reps. Adams, de la Cruz, Liebson, McGarry, Michelson, Pendell and Saftic absent or excused). [See Vote Record 2282.](#)

PRESENTATION: Rep. Jacobson

Description

1. CENSURE of Representative Marion McGarry for conduct detrimental to the public's trust and confidence in the Stamford Board of Representatives. **Approved 24-1-8**
03/04/19 – Submitted by Rep. Jacobson

A motion to approve the Censure was made and seconded.

President Quinones read the following statement into the record:

The motion before this Board is a motion of censure of Representative Marion McGarry for conduct detrimental to the public's trust and confidence in the Stamford Board of Representatives. Authority for the Board to consider this action is found on page 643 of Robert's Rules of Order, 11th edition in a footnote which cites "It is possible to adopt a motion of censure without formal disciplinary procedures." As a result I will say unequivocally that the motion before this Board does not represent consideration of a formal disciplinary action by this Board. I'll state further for the record that the Board of Representatives has undergone no formal investigation in this matter and that for the purposes of tonight's deliberations on this matter, the Chair will consider only discussion related to the evidence presented by the submitters of the notice of the special meeting and in no way is any consideration given to Representatives McGarry's performance as an elected official.

Rep. McMullen raised a point of order as to whether this was outside the object of the Board and required a 2/3 vote to be taken up based on p. 343 or Robert's Rules of Order. President Quinones stated that the motion is not outside the object of the Board because the Board does not have by-laws but does have a mission statement, which was provided to all Board members in the handbook distributed at the beginning of the 30th Board, which provides, in part: "It is our responsibility to promote effective communication of the interests and concerns of diverse constituent groups throughout the City in order to insure that the best decisions are made for all citizens." The president stated the motion is within the object of the society. Rep. Pia, Parliamentarian, and Rep. Morson, as Acting Parliamentarian, concurred with the President. There was no appeal of this decision.

There was extensive discussion on this item.

Rep. Jacobson read the following statement into the record:

As elected officials we are tasked with the responsibility of representing all people in the City of Stamford, regardless of their race, gender, sexual orientation, or religion. When one of our fellow representatives deviates from that responsibility, by endorsing racially charged and bigoted sentiment towards Muslims and Hispanics on social media, it is our duty as elected officials to formally denounce such sentiment. The way I propose that we do so is through censure. We are empowered to censure a member of our Board under Robert's Rules of Order and Stamford's Code of Ethics. The motion to censure is

a main motion expressing a strong opinion of disapproval that can be debated by the assembly and be adopted by a majority vote. It formally condemns actions by a member of our Board. It is not a motion to remove from office, or to censor, as in to silence or suppress. We are all free to say what we feel, as is our right under the First Amendment. But when those statements contradict the values of our elective body the rest of us have the exact same First Amendment right to condemn those statements. In fact, I believe that we have the duty to do so. Our Charter's Code of Ethics provides "public service as a public trust" and the proper operation of the City of Stamford requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. The public needs and deserves to have confidence in the integrity of the municipal government of our City. Robert's Rules of Order similarly provides "In most societies it is understood that members are required to be of honorable character and reputation. An organization or assembly has the ultimate right to make and enforce its own rules and to require that its members refrain from conduct injurious to the organization or its purpose".

Tonight we are tasked with deciding whether or not the representative at issue has engaged in conduct injurious to the Board of Representatives or its purpose. The evidence suggesting that she has is now well documented. Over the course of the last week, community leaders have publicly weighed in and condemned the statements from the Representative, including, among others, the Interfaith Council of Southwestern Connecticut, the Connecticut Anti-Defamation League, and the Connecticut Chapter of the Council of American Islamic Relations, the nation's largest Muslim civil rights and advocacy group.

Several months ago, approximately late January, I alerted Board leadership to the Representative's outrageous statements on social media. My understanding from Board leadership is that the representative was spoken to but evidently those words fell on deaf ears. Before the petition was submitted last week, I confronted the representative at issue personally, to give her an opportunity to speak to me. The representative told me, "I have nothing to say you; I know what you are up to." So be it.

As public servants we are held to a higher standard in all aspects of our lives, especially when we take advantage of the public platforms available to us through social media. An elected member of the Stamford Board of Representatives who publicly endorses racist, xenophobic, and Islamophobic sentiment on social media violates our values and undermines the public's trust and confidence in the municipal government of our City. I believe it is our sworn duty as elected officials to confront and condemn such hate speech of this kind in any capacity, especially when it comes from one of our own. That's why I call upon each of us to vote in favor of the motion to censure the representative for conduct detrimental to the public's trust and confidence in our City government.

Thank you Mr. President.

Rep. Watkins read the following statement into the record:

I have received a number of emails and calls on the topic of this evening's Censure Vote. Some reflected general revulsion to the quotes and writings attributed to Representative McGarry. Others expressed dismay that those statements should lead to this Censure Motion.

In the latter category, those who recommended against censure, there were broadly three arguments made.

- 1> There were those who attributed this Censure motion to longstanding political antipathies. These people felt that Representative McGarry was the target of a witch hunt because she had crossed either the Administration or the Democratic Party in times past.
- 2> There were others who felt that a censure Motion was inappropriate because Representative McGarry expressed her views in private and everyone is entitled to their views and their say – what I would term the “Freedom of Private Speech” argument.
- 3> There were others who said that Representative McGarry may have said some unwise things but that if we the Board had brought these things to her attention she could have and would have modified her behaviors without this unnecessary process of public humiliation.

So I have tried to weigh my views in light of these misgivings.

With respect to the suggestion that this is a witch hunt by those who found her Party allegiances suspect, I am probably a poor judge as I am a Republican and have neither experienced the internal Democratic party dynamics or Representative McGarry's interactions therewith.

Having said that I must admit that I was dispirited by Mr. Fedeli's comments as reported in the Advocate. He appeared to have long standing grievances against Representative McGarry's stances vis a vis Party Dogma, and he somehow tried to tie whatever Representative McGarry's actions were with other parts of the Democratic Party such as the Reform Democrat movement who in my view have worked hard and effectively to bring fresh perspectives to both sides of the aisle. These comments by Mr Fedeli were unhelpful, and gave support to those who feared the political impetus of this Censure Motion.

The second argument is based upon the concepts of Freedom of Speech and freedom to have private conversations.. For them, a Representative should be free to express their views in private, even if some listeners find them offensive.

I have thought long and hard about this. Each and every one of us Representatives try to have connections with our constituents. I have asked others how they connect to their constituents. I know Virgil De La Cruz holds Town Hall meetings. I don't think anyone would argue that those were private. I have an email list of seven hundred constituents each one of whom subscribed to my list and every one of whom is free to unsubscribe. Would I argue that that is a private conversation. No. Ultimately it is a public forum for me to interact with my constituents. I don't use Social Media myself but others do. I believe that such platforms are ultimately used as a public forum and do not somehow become private just because someone chooses to Friend or Unfriend at some point in the process, just as someone subscribes or unsubscribes from my email list.. In my view Representative McGarry expressed unacceptable views in an unacceptable manner in a public venue. And elected officials should be held to a higher standard than that.

With respect to the third argument, that the Board of Representatives should have attempted to counsel Representative McGarry I am holding my decision on this Censure Motion to await further information on what went before this Censure Motion. I look forward to hearing whether others attempted to counsel her. I look forward to hearing whether such counseling had its intended effect and caused her to change her behaviors. I look forward to hearing whether the specific items that gave rise to this censure Motion arose after such counseling, indicating her rejection of the criticism, or predate the counselling thus calling into question the sincerity of the counseling effort. I just don't know those facts. And I think they matter.

Rep. Figueroa read the following statement into the record:

On Monday, March 4th, I became aware of a petition letter to censure Representative McGarry. My first reaction as many of you might be aware of was why not every member of this board were notified about? Why was not I notified about? I asked this because the letter submitted by Representative Jacobson indicated that Representative McGarry had published racially comments directed toward Muslims and Hispanics on social media.

So, I called and spoke to Representative Jacobson and asked him if there were racially comments intended for the Hispanic community why then Representative Roqueta and I were not asked or notified. His response was because of the freedom of information he had been advised not to make any commends about, however, and so ironically, the details of these charges were already announce in the email submitted by our board, further more channel 12 and the Advocate were pretty much going live and public on this subject.

So one can easily assume that Mr. Jacobson purposely chose the people he wanted to sign this letter.

While I could be wrong, I am publicly asking that in the future for every member of this board to be included or counted. After all, today we are all here to be part of this discussion.

I also want to mention that while reading over the few postings that I have been granted permission to look at, since I don't have Facebook, I have found no evidence of "Hispanics" being racially targeted, but rather toward illegal immigrants.

By Representative Jacobson interpretation as a lawyer I guess that he assumes that all members of the Hispanic community are here illegally, the reality is that this is not true since people from so many other countries are also here illegally, but as an immigrant I am not here to discuss immigration laws or issues, I am just trying to make my point. Not everyone who uses a lawnmower is an illegal immigrant.

In response to these sickened comments shared by Representative McGarry, I just like majority of you strongly condemn them. There should be no room for hate, discrimination and prejudice in today's society.

As an immigrant it really hurts to see these kinds of comments which at the end target communities, individuals or a group of people.

Lastly, I can't be a hypocrite; I must admit Rep McGarry's comments toward democrats are condemnable. It's hard for me to believe that as a registered democrat she dared to call as demo rats, I take personal insult to this since wherever people agree or disagree I am a democrat. So today, I tell her this, if you think that we as democrats are demo rats perhaps you should consider on leaving the party.

Today, I humbly request to all of you to get rid of hate and prejudice. Let's see each and every one of us as human beings. Let us learn to judge people by their actions and not be their loos, gender, accents or origin. Let us work together for the benefit of our city; after all, this is what we are elected for.

Rep. Cottrell read the following statement into the record on behalf of the Democratic Caucus:

The Stamford Democratic Caucus condemns hatred. We condemn anti-Muslim and xenophobic statements. We also condemn any form of prejudice against any member of society, be it racism, homophobia, transphobia, sexism, anti-Semitism, any form of bigotry.

In our fight against these prejudices, we must realize that prejudice is not a partisan problem. It is not a Stamford problem. It is an American problem. We have to work harder as a society for a more respectful dialogue. When we have disagreements, we must not attack one another personally.

To borrow language from the national resolution voted on recently in Congress, we must work to ensure that the Stamford Board of Representatives will live up to the transcendent principles of tolerance of all people, religious freedom and equal protection as embodied in the Declaration of Independence and the First and Fourteenth Amendments to the Constitution.

Rep. Zelinsky read the following statement into the record:

Thank you Mr. President, I do not enjoy being here tonight. I enjoy going to Board of Representatives Meetings but not tonight.

The comments and pictures Representative McGarry posted on her private Facebook page I do not accept, agree with or condone. These comments and pictures are unacceptable and should not have happened.

Thousands of people do and say things small or big they regret doing. Former Governor Malloy stated everyone deserves a second chance. I understand Representative McGarry has taken down all the postings and will not do it again.

I received nine telephone calls not to censure Representative McGarry. I received no correspondence for the motion.

After listening to the evidence presented by Representative Jacobson against Representative McGarry I find no conclusive evidence beyond a reasonable doubt to vote to censure her.

The voters in her 12th District can vote her out of office next election. Thank you.

The motion was approved by a vote of 24-1-8 (Reps. Aquila, Cottrell, DePina, Di Costanzo, Fedeli, Graziosi, Jacobson, Kolenberg, Lee, Lion, Lutz, Matherne, Miller, Moore, Morson, Nabel, Patterson, Pia, Quinones, Roqueta, Sherwood, Spadaccini, Wallace and Watkins in favor; Rep. Coleman opposed; Reps. Figueroa, Giordano, Mahoney, McMullen, Pratt, Stella, Summerville and Zelinsky abstaining). [See Vote Record 2283.](#)

ADJOURNMENT:

President Quinones adjourned the meeting at 7:50 p.m.

This meeting is on [video](#).