



Legislative & Rules Committee – Board of Representatives

Benjamin Lee, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Tuesday, May 29, 2018

Time: 7:00 p.m.

Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Lee and Committee Member Reps. Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky. Absent or excused was Rep. Coleman. Also present were Reps. Cottrell, de la Cruz, Matherne, Morson and Sherwood; Wayne Pesce, CT Food Association; Mike Toma, Law Department; Judy Liebeskind and Audrey Frankenberg, WOW; Samira Siskind, BYO Stamford, Keisha Palmer, Robinson & Cole, Mike Papa and about 15 members of the public.

Chair Lee called the meeting to order at 7:04 p.m.

Item No.	Description	Committee Action
1. LR30.038	APPROVAL; Agreement with Robinson & Cole LLP RFP #686 Bond Counsel Services, 04/11/18 – Submitted by Mayor Martin 05/10/18 – Approved by Board of Finance	Approved 7-0-0
<p>Mr. Toma explained that this contract is effective in 2015 because it took 3 years to complete the award process. The term is retroactive because the prior contract ended. Ms. Palmer explained that the City pays Robinson & Cole on a per issuance basis.</p> <p>A motion to approve this item was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel and Pia in favor).</p>		
12. LR30.019	ORDINANCE <u>for publication</u> ; Restricting Single-Use Plastic Shopping Bags in Stamford. 12/07/17 – Submitted by Reps. Aquila, Coleman, Cottrell, de la Cruz, Fedeli, Giordano, Graziosi, Jacobson, Kolenberg, Lee, Lion, Lutz, Matherne, Miller, Morson, Nabel, Patterson, Pendell, Pia, Saftic, Sherwood, Stella Watkins and Zelinsky 01/24/18 – Held in Committee 02/28/18 – Held in Committee 03/22/18 – Report Made & Held in Committee 04/30/18 – Report Made & Held in Committee	Held, as amended, 8-0-0

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Mr. Pesce explained that many of these types of ordinances have surfaced in the last 12-15 months. Variations among the ordinances present challenges for some of his clients, which have stores in numerous municipalities. The CT Food Association would like to see a statewide proposal, including a fee on non-compostable bags, as well as consumer education component and recycling. The ban should extend beyond grocery stores and to film plastic.

The Committee reviewed the latest proposed ordinance. Rep. Jacobson noted that this version has 3 key changes from last month's version: 1) it applies to all retail establishments; not just food retail; 2) the charge for paper bags is retained by the retail establishment; and 3) the exempted industries were modified.

Rep. Jacobson distributed the [attached ordinance](#) recently approved by the City of Boston.

It was the consensus of the committee members present that the goal of the ordinance is to ban plastic bags and charge for the use of paper bags. Rep. Jacobson noted that Rep. Zelinsky, who was not present at the time, was opposed to the charge.

Committee members discussed the ordinance among themselves and with Mr. Toma as follows:

- What the appropriate thickness should be for "Reusable carryout bag."

A motion to change the thickness from 2.25 mm to 12 mm was made, seconded and withdrawn. A motion to change the thickness from 2.25 mm to 12 mils was made, seconded and withdrawn. Committee members decided to research this prior to the next meeting.

- Whether the term plastic needed to be defined
- Whether the justification is sufficient; Mr. Toma stated that the statement is sufficient if it is accurate
- Whether the words "with handles" should be deleted from the definition of "Reusable Carryout Bags"

A motion to change the word "checkout" to "carryout" throughout the text was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel and Pia in favor).

A motion to change the phrase "retail stores,..." in Section 3C to conform to the definition in 3B was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel and Pia in favor).

The committee further discussed:

- Whether dry cleaning bags should be exempted. It was noted that the Suffolk County legislation uses a thickness of 2.25 mils and exempts dry cleaning plastic
- Whether the retail price of \$0.50 makes sense

A motion to strike Section 3A.5 was made, seconded and approved by a vote of 5-2-0 (Reps. Lee, Fedeli, Jacobson, Lion, and Pia in favor; Reps. Miller and Nabel opposed).

The Committee continued to discuss this proposed ordinance as follows:

- Does the prohibition on wholesale sales in Section 4.A violate the Commerce Clause (Mr. Toma will look into that before the next meeting)
- Whether the \$0.10 charge in Section 5 would be taxable and whether retailers could be compelled to use it to educate consumers

- Whether requiring retailers to switch to paper would increase their costs and/or storage space needs
- Whether it is appropriate to impose this charge and whether it will be upheld by the courts
- Why Greenwich struck the fee on the floor

A motion to add language similar to §17-19.7 from the Boston Ordinance, a severability clause, was made seconded and approved by a vote of 8-0-0 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

A motion to delete the charge mechanism in Section 5 was made, seconded and failed by a vote of 1-7-0 (Rep. Zelinsky in favor; Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel and Pia opposed).

Committee members discussed whether food delivery service should be excluded in order to limit grease. The Suffolk County ordinance excludes food service establishments outside of grocery stores.

A motion to hold this item was made, seconded and approved by a vote of 8-0-0 Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

- ²3. [LR30.036](#) APPROVAL; Amendment to [Board of Representatives Rules of Procedure](#) to add a public participation session. **Failed 2-6-0**
 03/07/18 – Submitted by Rep. Cottrell, Sherwood, Zelinsky, Lutz, Aquila, Summerville, Nabel and Matherne
 03/22/18 –Held in Committee
04/30/18 – Failed 2-7-0
05/07/18 – Held by Full Board

Secondary Committee: Communications

A motion to amend the proposed rule change language being considered by the Committee to replace it with the language recommended by the Communications Committee at its meeting on May 22, 2018 was made, seconded and approved by a vote of 8-0-0 Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel, Pia and Zelinsky in favor).

Committee members discussed:

- The extent to which the proposal is an opportunity for Board members to hear from the public
- Whether the sunset provision would make it more difficult; what happens at the end of the 6 month period
- Whether a trial period makes sense
- That the Board of Finance and Board of Education are smaller boards with citywide constituencies
- That opposition to the proposal is not opposition to democracy or transparency
- Whether the same people would speak at the public hearing in committee and then come to the full Board meeting
- That the President would manage for how long people would speak
- That the proposal would give members an opportunity to be responsive to citizens outside their districts
- Whether 30 minutes is sufficient

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- Whether an unlimited public comment period quarterly would be more useful

A motion to delete the 6 month trial period was made but did not receive a second.

A motion to approve this rule change was made, seconded and failed by a vote of 2-6-0 (Reps. Nabel and Zelinsky in favor; Reps. Lee, Fedeli, Jacobson, Lion, Miller and Pia opposed).

- ³4. [LR30.039](#) RESOLUTION; Requiring 30th Board of Representatives to use Non-Gendered Language in all Ordinances and Resolutions. **Approved 7-0-1**
04/17/18 – Submitted by President Quinones and Rep. Matherne

A motion to approve this resolution was made, seconded and approved by a vote of 7-0-1 (Reps. Lee, Fedeli, Jacobson, Lion, Miller, Nabel and Pia in favor; Rep. Zelinsky abstaining).

Chair Lee adjourned the meeting at 9:56 p.m.

Respectfully submitted,
Benjamin Lee, Chair

This meeting is on [Video](#).

³ Video Time Stamp 02:50:07