

**From:** [Rosenson, Valerie](#)  
**To:** [Emmett, Kathryn](#); [Isidro, Judith](#)  
**Cc:** [Toma, Michael](#)  
**Subject:** Fw: Legal Opinion - Executive Order Violation  
**Date:** Wednesday, January 20, 2021 3:24:43 PM  
**Attachments:** [lr30101\\_210119.pdf](#)

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Please see the request below from Chair Lee regarding the proposed change to the Rules of the Board of Representatives and whether the limitations of this proposed rule (a copy of the current draft is attached) could conflict with Governor Lamont's Executive Order 7B. This rule is on the agenda for the 2/1/21 Board meeting, and Chair Lee would like an opinion prior to that time. An example of a possible conflict mentioned at the L&R meeting was if a member who had technical difficulties called a second member (other than the Clerk) and that second member put the first member on speaker phone to vote.

Please feel free to contact me if you need additional information.

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**From:** Lee, Benjamin  
**Sent:** Wednesday, January 20, 2021 10:23 AM  
**To:** Jacobson, Jonathan; Rosenson, Valerie  
**Subject:** Re: Legal Opinion - Executive Order Violation

Thank you Jonathan. Valerie, could you please pass this request on to the Law Department for their follow-up? In particular, I would also like their advice on the consequences of a conflict; my understanding is that if a member votes in a way that is permitted under the EO but perhaps not permitted under our Rules, the EO will control and that member's vote will be counted.

Best regards,

Ben

Benjamin Lee  
Stamford Board of Representatives  
District 15 Representative  
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**From:** Jacobson, Jonathan  
**Sent:** Wednesday, January 20, 2021 10:08:29 AM  
**To:** Lee, Benjamin  
**Subject:** Legal Opinion - Executive Order Violation

Ben,

I ask that you please request a legal opinion relative to Rep. Sherwood's position that our rules of order may conflict with the Governor's Executive Orders. If this argument is going to be made on the floor I would like to have legal advice from the City.

Sincerely,

Jonathan Jacobson  
Stamford Board of Representatives  
District 12

V. Rules of Procedure

E. Emergency Meetings

1. ~~In event of a declaration of a state of emergency by the Governor of the State of Connecticut or the Mayor of the City of Stamford or other similar circumstance in which the Board of Representatives is unable to meet in person, the President may permit a Regular, Special, or Emergency Meeting of the Board of Representatives or its Committees to meet either by telephone or videoconference. In the event of the declaration of an emergency in the City of Stamford, the President may elect to permit Board members to participate in a special meeting through telephone or video conference.~~

a. The meeting shall be conducted in such a manner that all participating members can hear each other debate and vote.

b. Members of the Board of Representatives must be present at said meeting to vote. No member shall be permitted to vote by email, text or telephone call to any other member, provided, however, that nothing herein shall prohibit a member from contacting the Clerk or administrative staff member(s) present at the meeting for assistance in making their voice heard (e.g., by means of putting such member on speaker-phone or conference line).

~~b.c.~~ To the extent practicable, members of the public shall be permitted to participate in any such meeting by telephone or video conference, although members of the public will be excluded from any executive session.

F. Miscellaneous

1. Persons other than members of the Board of Representatives shall not converse with Board members on the floor of the Board while the Board is in session.

2. Members that join the meeting after the Roll Call, or leave the meeting prior to adjournment, shall notify the Clerk so that the Clerk can keep track of the number of members present. Members who fail to notify the clerk will not be considered present.

3. The silencing of all personal electronic devices is required at all Board meetings.