

Minutes - December 4, 2006 - Committee-of-the-Whole

Minutes of the Committee-of-the-Whole Meeting of the City Council of the CITY OF DARIEN DECEMBER 4, 2006

1. CALL TO ORDER

The Committee-of-the-Whole Meeting of the City Council of the City of Darien was called to order at 6:30 P.M. by Mayor Kathleen Moesle Weaver. In attendance were: Aldermen Durkin, Gattuso, Marchese, McIvor, Poteraske, and Weaver. Also in attendance were: Mayor Weaver, Clerk Coleman, Attorney Murphey, Administrator Vana, Police Chief Pavelchik, and Director Gombac.

2. DECLARATION OF A QUORUM — There being six Aldermen present, Mayor Weaver declared a quorum.

3. NEW BUSINESS

REMOTE ATTENDANCE AT COUNCIL MEETINGS Mayor Weaver noted that the purpose of the meeting was to test the system. Alderman Gattuso suggested a limitation as to how many times per year an Alderman could remotely attend a meeting; there was a question as to how the number would be determined; Alderman Gattuso said perhaps it could be based on a percentage of how many meetings were scheduled per year.

Administrator Vana indicated that there were various ways to remotely access the phone system; Council continued to test volume and capabilities of the system.

Attorney Murphey addressed the interpretation of the new law. He said that Alderman Poteraske posed a question since he was retired but had business interests out of state; he indicated that one of the exceptions to the law was if you were prevented from physically attending because of employment purposes. Attorney Murphey interpreted the law to mean that it would be allowable for someone who was an employee or an owner to be absent for business purposes. He spoke about 'personal illness'; illness dealt with 'self' but family members could also fall into the illness / emergency exception. He said that the individual would need to consider the absence and decide if it was absolutely due to a situation beyond their control or was it a matter of convenience; if it was the latter, then it did not conform to the law. The law would require the individual to examine their conscience in order to make the proper determination. Alderman Poteraske verified that vacation would not allow the person to participate remotely in the meeting; Attorney Murphey agreed that it was not allowable. Attorney Murphey stated that if Acting Mayor Weaver called in to remotely participate that she could participate and vote as an Alderman but someone else would conduct the meeting. He cautioned Council that this was a brand new law with no legislative history and that an opinion may be provided by the Attorney General; he mentioned that Council could accept or prohibit the remote participation but Council could not make the reasons for being absent more liberal than what the law stated. Alderman Durkin inquired if after the Council made their decision if that decision could be changed; Attorney Murphey said that it could be amended. Alderman Poteraske verified that if someone was to participate remotely that the absent person should state the reason for their absence; Attorney Murphey affirmed. Alderman McIvor suggested limited access to the phone equipment in the Chambers and limited number of Aldermen who could remotely participate; it was stated that there was a limitation, which was three because four Aldermen made a quorum. There was discussion about possible situations for remote participation. Mayor Weaver suggested requiring Aldermen to call before the start of the meeting in order for the person to be part of the Roll Call. Attorney Murphey said that remote participation was limited to Regular or Special Council meetings and he reiterated that a member had to notify the City Clerk of nonattendance as reasonably possible in order for appropriate arrangements to be made.

4. EXECUTIVE SESSION

Due to time constraints, Executive Session was not conducted during the Committee-of-the-Whole meeting.

5. ADJOURNMENT

There being no further business to come before the Committee-of-the-Whole, the meeting adjourned at 7:00 P.M.

Kathleen Moesle Weaver, Mayor

_____ Joanne F. Coleman, City Clerk

jr All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 12-04-06 Committee-of-the-Whole.