

Saturday, December 7, 2019

MINUTES OF THE SPECIAL MEETING OF THE
BRIDGEPORT BOARD OF EDUCATION, held December 7,
2019, at Bridgeport City Hall, 45 Lyon Terrace, Bridgeport,
Connecticut.

The meeting was called to order at 10:15 a.m. Present were Chair John Weldon, Vice Chair Jessica Martinez, Secretary Joseph Sokolovic, Hernan Illingworth, Sybil Allen, Bobbi Brown, Albert Benejan and Joseph Lombard.

Mr. Weldon said the agenda items were a workshop on the Freedom of Information Act and Robert's Rules.

Attorneys Floyd Dugas and Brian LeClerc of Berchem Moses were present.

Atty. Dugas spoke on the Freedom of Information Act (FOIA). He said it was one of the most important laws that board members have to deal with. He said the law is broken down into two areas: meetings and records.

Atty. Dugas described the definition of a meeting. Mr. Weldon noted today's meeting was noticed with the city clerk in accordance with the provisions of FOIA.

In response to a question, Atty. Dugas and Atty. LeClerc said social occasions when a quorum of the board is present when board business is not being discussed would not be considered a meeting.

Atty. Dugas said any communication, including e-mail, by a quorum of the board would create a meeting under FOIA. He

cautioned against members using the “reply all” function on e-mails addressed to the entire board. He noted there is a specific exception under the law to discuss organizing a meeting. He added individual board members had no greater right to access records than members of the public; although the board as a whole may request such documents.

Atty. Dugas said generally speaking what is in someone’s personnel file is disclosable with the exception of an invasion of a personal privacy or something that is not a matter of public concern. He said evaluations of teachers and administrators below the superintendent level are not disclosable according to state statute.

Mr. Weldon urged board members to provide all items listed in a FOIA request to the central office, which will engage in a process to determine what is discoverable

Atty. Dugas noted FOIA also applied to text messages sent or received by board members, including items on personal devices if they relate to board business. He added that phone records are also covered by FOIA.

Atty. LeClerc spoke on Robert’s Rules, which were originally developed by Henry Martin Robert in response to an incident when he had to moderate a church meeting. He said the purpose of the rules is to make sure everyone can participate in a meeting and there is smooth transition of business.

Atty. LeClerc discussed the board policy which allows the public to address the board. In response to a question, he said board bylaws could limit public comments to agenda items.

Atty. LeClerc cautioned that there are websites that incorrectly interpret Robert's Rules. He added that Robert's Rules doesn't govern whether decisions by board are correct; just the procedure used. He said the board's bylaws can always supersede Robert's Rules

Atty. LeClerc said it was up to the chair to run the meeting methodically and effectively so that everyone gets to say what they want to say. He said members should address other members through the chair.

Atty. LeClerc urged that motions be stated clearly so people know what they're voting on. The chair should repeat the motion before the vote.

Atty. LeClerc said every member should be allowed to speak on a motion, but the comments must be relevant to the motion. He said he sees too often a member shouting out to call the question without being recognized by the chair.

Atty. LeClerc described privileged motions that are not debatable.

Atty. LeClerc said only one motion can be pending at a time.

There was a discussion of whether or not a nomination required a second.

Atty. LeClerc said a motion may be seconded by a member who subsequently does not support the motion. He described how a motion could be amended and how the amended motion would be voted on.

Atty. LeClerc said a person speaking has to breathe at some point and the chair could recognize another speaker who

requests to speak. He said the person who had the floor could appeal the decision of the chair to recognize another person. He said the chair has a lot of power in regard to debate.

Mr. Illingworth noted that theoretically under the board's rules someone could talk all night.

Atty. LeClerc said point of orders are often misused. He said they must deal with procedures, not the merits of the motion. Mr. Weldon said he had often seen points of order used as a tactic to derail things in a meeting.

Mr. Weldon quoted a provision in Robert's Rules that indicated nominations do not require a second.

There was a discussion of the motion to reconsider. Mr. Sokolovic noted tactical voting on a motion could take place which would allow a member to move to reconsider at a subsequent meeting.

Atty. LeClerc said an abstention is not considered a vote unless it a two-thirds vote is required for a motion.

Atty. LeClerc said a meeting could be adjourned without a motion if there were no remaining agenda items.

The meeting was adjourned at 12:12 p.m.

Respectfully submitted,

John McLeod