

Damon R. Maher

From: Damon R. Maher
Sent: Thursday, April 21, 2022 4:07 PM
To: Vanderberg, Sunday
Subject: Rules of the County Board of Legislators: Proposed Amendment for Referral to the Rules Committee

Purpose: To ensure every member has the opportunity to question attendees and to be heard in discussion and vote on items before the Board or any committee, sub-committee, task force, commission or other Board-designated body, whether personally in attendance or attending remotely, by computer, phone or other means, the chair's ability to involuntarily "mute" a speaker should be rare and the result of only the most abusive, egregious and persistent behavior by a speaker who should be put on prior notice, with opportunity to relent before the (rare) event of such muting be done.

Intent: To ensure that those chairing sessions of such bodies "mute" remote participants only under the most serious and egregious circumstances, very rarely, and only after fair warnings.

Justification: Incident in committee this week which I was attending via phone-in wherein the chair muted me, which I didn't realize until motion and discussion of an item for which I had not explained my position or heard anyone else's, nor did I have a chance to vote. I then called in and was told I had to hang up and dial back in, which I did, but the committee had moved on to the next item. The chair in question hasn't apologized to me personally or to the committee, and hasn't said he won't do it again, so I guess that justifies the request for a new rule.

Present Law: I couldn't find any, although it seems like just a matter of courtesy, commonsense and good government.

Proposed Amendment to Rule Seven of the Rules of the County Board of Legislators:

Add a new numbered paragraph as follows:

10. Freedom of Legislators' freedom of speech and right to vote shall not be infringed on account of their attendance by authorized remote means; and chairs shall refrain from "muting" remote participants under all but the rarest and most egregious circumstances of persistently abusive behavior and that action to be taken only after clear warnings to relent or be muted, followed by a reasonable opportunity to so relent; and, in the event of "muting," the chair shall announce that they have done so, upon which a number equal to at least one-third of those in attendance may immediately move to reinstate the allegedly offending party; and, in any event, such allegedly offending attendee shall be afforded the opportunity to be "un-muted" and again participate fully in the work of said body as swiftly as reasonably possible.

I will provide you with a signed hard copy of this page before going into the Chamber for the State of the County address this evening.

Respectfully submitted,



County Legislator Damon Maher