

**Health Commission Meeting
City of Stamford
APPROVED MINUTES
January 14, 2021**

Commissioners Attendance January 2021

Present:

Absent:

Dr. Roslyn Burton-Robertson
Dr. Thomas Getreuer
Ms. Patricia Parry
Dr. Tabitha Fortt
Dr. Jennifer Calder (Arrived at 8:37am)

Guest Attendance: Mr. Michael Toma, Assistant Corporation Counsel, and Ms. Raquelle Early, Recording Secretary

Meeting called to order		Dr. Robertson called the meeting to order at 8:00am.
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<u>Topics</u>	<u>Discussions</u>	<u>Actions</u>
Proposed Action <ul style="list-style-type: none">Approval of minutes of the Health Commission Meeting of November 20, 2021 New Business: <ul style="list-style-type: none">Introduction of Dr. Tabitha Fortt	<ul style="list-style-type: none">Dr. Robertson introduced Dr. Fortt as the newest member to the Health Commission. Dr. Fortt thanked the commission for inviting her to the group and discussed her eagerness to look at the issues within the City regarding the health and welfare of its residents. Dr. Fortt also mentioned she looks forward to getting work done to keep our City happy and healthy.	<ul style="list-style-type: none">Meeting Minutes deferred to next scheduled board meeting.

<ul style="list-style-type: none"> • Attorney Michael Toma <ul style="list-style-type: none"> ○ Appeals ○ Commission Meetings 	<ul style="list-style-type: none"> • Dr. Getreuer asked does the Health Commission have any authority to act on behalf of the Health Department other than to just say yes or no to petitions and where can the Health Commission go besides just the Health Department? Ms. Parry commented that in her experience the Health Commission has never heard an appeal without having the Health Department present. Ms. Parry also stated that she believed that much of the Health Commission’s role is as mediator between the person who is appealing and the Health Department to hear what is said and ask if there are any possibilities to modify the order, or perhaps give someone more time to make the appropriate corrections. • Ms. Parry asked what happens when an appellant sends a request for an appeal hearing. Does that stay the order until the appeal is heard? Ms. Parry also asked, what is the timeline for the Health Commission to hear an appeal. • Ms. Parry questioned if one week meant seven business or calendar days. 	<ul style="list-style-type: none"> • Attorney Toma stated that the Charter of the City is where the Health Commissions powers and responsibilities are set forth. And it does say that the Commission hears appeals from orders rendered by the Director of Health. However, Attorney Toma stated best practice would be for the Health Commission to try to facilitate resolutions by communicating with the Health Department about whether there are ways for the party appealing to the Commission, to remedy the situation in a way that’s acceptable to the Health Department. • Attorney Toma quoted the Charter by saying “Any person aggrieved by an order of the Director may within one week and in writing, appeal to the Health Commission. The Health Commission shall hear the appeal at an open hearing within 30 days. The appeal shall act as a stay of execution unless the director shall certify to the commission in writing that such stay shall prejudice the interest of the public”. • Attorney Toma responded by saying that because the language didn’t specify business day, he would read that to mean seven calendar days.
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	<ul style="list-style-type: none">• Dr. Getreuer asked does the appealing party have the option of deciding to go to State, should they not like the judgment of the local Health Commission or is the Health Commission's judgment final in that process.• Ms. Parry asked Attorney Toma to speak to the types of meeting that are held, the requirements and what is allowed at different meetings.	<ul style="list-style-type: none">• Attorney Toma stated he hasn't personally dealt with a situation like that before, but if a scenario played out like that, the local HD would make a primary presentation with the State to inform the State that person already had an appeal at the local Health Commission and was already extensively reviewed. Attorney Toma stated he cannot speak to how the State decides to handle that situation.• Attorney Toma stated that the Freedom of Information Act (FOIA) has various requirements when it comes to public access of meeting and the default rule is that all of the Health Commission meetings are open to the public. Attorney Toma stated there are exceptions to the rule, narrowly specific, and rarely come into practice. But the majority of what the Health Commission does, has to be done in open session. If a meeting is held and action is taken which is not in compliance with the open meeting rules and if a person were to complain to the FOIA Commission, that Commission can void any action of the Health Commission. Attorney Toma clarified that meetings are broadly construed to mean communication between a quorums of Commission Members on Commission business. Attorney Toma went further to explain that anything reduced to writing which involves Health Commission business is considered a record that needs to be shared with the public.• Attorney Toma stated there are three types of meetings under the FOI (Freedom of Information) Commission. They recognize
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		<p>Regular Meetings, Special Meetings, and Emergency Meetings.</p> <ul style="list-style-type: none">○ Emergency meetings are only justified if there is a true emergency and there is a high threshold/standard for what is classified as a real emergency. In the event that the Health Commission ever experienced an emergency where there were a real urgency to acting, the emergency can be the only thing discussed at this meeting. With Emergency meetings, the Commission would not have to go through the normal process of filing agendas, and notice with the public.○ Regular meetings are the meetings that occur during the Health Commission's regularly scheduled times. These are the meetings that are filed annually with the Town Clerk's office. The Health Commission must file an agenda of the business being conducted at the meeting at least 24 hours before the meeting occurs. The Health Commission can add items to the agenda if there is a $\frac{2}{3}$ vote of the members present. Minutes are required to be filed seven calendar days after the meeting has occurred. Normally minutes are originally filed as DRAFT minutes because they have not yet been reviewed and approved by the Commission. Once the Health Commission has approved minutes, a replacement set of minutes should be filed with the Town Clerk, titled "Official or Approved Minutes". Dr. Getreuer asked Attorney Toma, if the Health Commission wanted to discuss
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		<p>corrections to the minutes before voting on them, meaning somewhere between the official meetings, is that a permissible task or is the Health Commission meeting time required to go through the corrections of the minutes. Attorney Toma responded best practice is to conduct this task during the Health Commission meeting.</p> <ul style="list-style-type: none">○ Special meetings are any meetings that the Health Commission holds that are not regular meetings. Filing of agenda of business to be conducted is required 24 hours before the meeting. During a special meeting agenda items cannot be added. Minutes are required be filed with the Town Clerk Office within seven business days.
Appeal: There were no appeals		

Adjournment: Meeting adjourned at 9:00am.

Submitted by: Raquelle Early