

Town of Thompson  
Ethics Advisory Committee  
Meeting Minutes  
Wednesday, December 10, 2014

<u>Attendees</u>	<u>Absent</u>	<u>Guests</u>
Jimmy Andrews Ray Dewey Kathleen Herbert Gary Hopkins Al Landry	Wendy Kirkland*	Paul Baer Jason Akana*
	* - Resigned, effective immediately	* - Potential new member

**1. Call to Order**

The meeting was called to order at 7:01PM

**2. Approval of Minutes from November 12, 2014 meeting**

Ray, motioned, Al 2<sup>nd</sup>. Unanimous.

Al Landry requested that the minutes include more detail about who brought up the possibility of a conflict of interest when an individual sits on more than one Board/Committee/Commission.

A discussion to change the agenda to incorporate 2a., 6a., 6c.(as referenced in these minutes) Jimmy brought the motion to change the agenda, Al 2<sup>nd</sup>.

**2a. Citizen Comments**

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**3. Acceptance of resignation of Secretary**

Discussion of Wendy Kirkland's resignation.

**4. Election of new Secretary**

Jimmy nominated himself, Al 2<sup>nd</sup>. Unanimous.

**5. Discussion of CCM workshop material**

Kathleen discussed the CCM workshop she attended. We reviewed the slides with general discussion. It was discovered that Stonington's COE was a good starting point for content and flow.

Kathleen discussed with the instructor Al's concerns about sitting on more than one committee/board/commission and voting on the same items, specifically how it relates to him. For EAC's purposes, there is no conflict even if Al were to vote in both committees/boards/commissions. For EAC, the vote is to move the document forward as developed. In other committees/boards/commissions, the vote would be for approval...The vote itself is not for the same issue therefore there is no conflict of interest.

When a recusal is required, recommended or otherwise taking place due to a conflict of interest or perceived conflict of interest, a method to record that recusal into the committee/board/commission is needed. Kathleen

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had mentioned that CCM talks about a "Document Recusal Form" which would be recorded into minutes officially. This would include the agreed upon details regarding the aforementioned recusal. As an aside, Ray brought up whether Robert's Rules of Order addresses this issue, and it does not. RRO only addresses a dual vote on the same issue within a singular committee/board/commission, such as a vote as a member and an additional vote as a Chairman.

Al had brought up the situation where a person may recuse themselves from a vote but whether or not they are allowed to participate in Citizen comments. It is Al's view that a member should be allowed to participate in Citizen comments of a particular vote when the member recuses themselves from the vote. The EAC discussed. Kathleen stated that when a member recuses themselves, they must leave the room and not participate in the vote in any form as per information gathered from the CCM.

Ethics Statements have no punitive authority and the best strategy for acceptance is to encourage compliance.

A discussion about member count for the Board of Ethics included a variety of solutions however a general consensus was 3 primary members and 1 or 2 alternates as suggested by Al. (more discussion on this happened during section 6)

Most ethical violations would be filtered through a Board of Ethics and not necessarily the town attorney, however the complainant would use their judgment in how to proceed.

Gary brought up the Board of Ed and we discussed the current BoE ethics statement.

Paul Baer made a statement about other town agencies meeting FOIA requirements if getting town money, and whether or not an Ethics Policy would be required to encompass them. Some examples included TEEG, FD, Housing Authority, TWPCA. Ray will research.

## **6. Discussion of Draft Ethics Code**

Al brought up the FOIA overlap (continued conversation from CCM discussion) and 'probable cause' was a sticking point term.

Kathleen motioned to add 6b. (as referenced in these minutes), Jimmy 2<sup>nd</sup>.

Ray has added in the DoE Code of Ethics and made a mention that nothing in the CoE is criminal.

Jimmy brought up loose versus strict rules again for discussion. The concern is that with an overly detailed and specific code it is easier to find a loophole and the Ethics Commission, when coming to a vote of complaint validity, will have less authority. From the other angle, an overly broad code could cause other types of loopholes and a large quantity of complaints due to vagueness. A consensus was made with the understanding some things will need to be defined in more detail than others. Since the validity of any complaint will need to be voted on by the Ethics Commission before proceeding forward, it is understood to take care of how the Code of Ethics is worded knowing not everything needs to be described in extreme detail.

Jason proposed the question of how many times the code should be updated. No consensus was made however 1 year, 2 year and 5 year lengths were discussed.

Kathleen brought up when the code is to be signed after the initial signing (eg. A renewal sign). It was initially concluded that the code be signed during every term renewal.

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Al gave an example from another board about ordinance reviews and how they are never discarded, but archived due to how often the ordinances change.

Ray had two topics in particular. One of the topics was what the eventual ethics agency be officially termed; a Board, a Commission or a Committee. The group consensus was Ethics Commission.

The other topic Ray had was how to define "immediate family."

- Paul Baer mentioned that Putnam addresses the family definition issue.
- Kathleen said we should go with Stonington and include spouses.
- Jimmy also brought up step-siblings.
- There was a discussion of how closely our definitions should match with various dictionary definitions versus our own modified definitions. Some of the group leaned towards a more formal approach and others towards a more customized approach. It was felt that where we could, we would rely on dictionary definitions but "immediate family" would be one that needed some modification.
- Ray will modify the draft to include the discussed changes.

The group then changed focus to Section 5 of the draft code (Ethics Commission) We continued the discussion from earlier, reiterating that the commission be 3 member, no more than 2 members from any one party and one alternate. The group continued to discuss other options, such as more members, more alternates, and a requirement for a member to be 'unaffiliated.' We also discussed members either being elected or appointed, with the consensus to members being appointed.

We then moved on to Ethics Commission member terms. Al's suggestion was that the first three members serve staggered terms, 2yrs, 3yrs and 4yrs respectively and the alternate serve 1yr. After that initial term is expired, each subsequent term would be 4yrs. The group generally agreed with this method after discussing other alternatives. If a member is unable to complete the term, the alternate will replace the member for the duration of the vacancy term and the Board of Selectmen will appoint another alternate for the unexpired portion of the alternate's term. Ray will update the draft to reflect the discussion.

Ray had suggested that we recommend that one member is a lawyer. The group liked the idea, which spurred discussion about other recommendations we could make and other methods of selection. Nothing was formally agreed upon.

Ray also mentioned that the First Selectman should be changed to Board of Selectmen and the group agreed.

Jimmy recommended that we dedicate a single meeting to the definition of 'gift,' in which Kathleen has tentatively scheduled that for our second meeting in January.

Paul Baer brought up the Foreign Corrupt Practices Act and how they are getting stricter with their requirements for definitions. During that discussion, the 13<sup>th</sup> Amendment, Title of Nobility Amendment was brought up and Jason Akana provided some brief information as he gathered from his cell phone.

#### **6a. Committee Comments**

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#### **6b. Calendar**

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Discussion to change the calendar to have EAC meet 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of the month starting in January until further notice. Al motioned, Gary 2<sup>nd</sup>. Unanimous.

**6c. Citizen Comments**

Paul Baer brought up areas of conflict of interest and other family member conflicts within town organizations. Kathleen responded to Paul's concerns. At this time that is outside the purview of the EAC.

**7. Adjourn**

The EAC adjourned at 8:58PM

Next Meeting:

January 7<sup>th</sup>, 2014.

Respectfully Submitted,

Jimmy Andrews

Secretary, Ethics Advisory Committee