



BOARD OF ETHICS
SHELTON, CT
SPECIAL MEETING – MAY 10, 2006

Please note that the first part of the minutes the audio tape is defective and inaudible.

Call To Order/Pledge of Allegiance

Chairman Maria Davis called the meeting of the Board of Ethics to order at 7:03 p.m. in Room 104 at Shelton City Hall. The Pledge of Allegiance was recited.

Roll Call

Maria Davis, Chairman – present
Byron Peterson – present
Christine Robinson – present

Agenda Items

1. Accept the Minutes of the Special Meeting of April 12, 2006

Chris Robinson moved to accept the minutes of the Special Meeting of the Board of Ethics of April 12, 2006. Byron Peterson seconded. Passed unanimously **3-0**.

2. Accept Correspondence from Alderman Finn dated April 24, 2006

The correspondence from Alderman Finn stated that he is Chairman of the Shelton Energy Management Building Committee and he is disqualifying himself from discussion and voting on the replacement of a boiler at the Police Station and Plumb Library. One of the vendors that bid on the project is the oil company he uses personally.

Christine Robinson moved to accept the correspondence from Alderman Finn dated April 24, 2006. Byron Peterson seconded. **Passed unanimously 3-0.**

Letter is attached to the minutes for the record.

3. Discussion of Proposed Ethics Ordinance

Complaint Form

Christine Robinson submitted a new Ethics Ordinance Complaint Form for the City of Shelton. It is on one page and the Board reviewed the form together. The complaint form is broken down in five sections, A-E. Under Section D it states, "On a separate piece of paper indicate the acts or activity that you believe to be in violation ...". Chris Robinson explained this can be attached to the complaint. You can't require people to type it, so we should request that it be typed or printed.

The Board agreed to make some minor changes: Under Section B change Town Employee to City Employee. Under Sections C & D when City Code is mentioned, make it City Code of Ethics. Under Section E instead of Shelton Ethics Commission change to Shelton Board of Ethics.

Chairman Davis stated there should be a line to give it a Complaint Reference #. That will be put in the lower right hand corner. Parenthesize it with "City Use Only".

There was discussion about when the complaint form is submitted, should a number of copies be required? In Stratford, they require seven (7) copies. The Shelton Board of Ethics felt four (4) copies is sufficient.

The Board also asked that the form be submitted to Corporation Counsel for review and specifically, under Section E, if the CT General Statute is appropriate.

Acknowledgement Form

The Board Review this form that Byron Peterson submitted. It was decided that after "Typed or printed Name" on the next line three boxes should appear that say "City Employee," "Elected Office," and "Appointed." This would keep in unison with the Complaint Form.

Also, the Board decided, for the moment, to have the last line on the Acknowledgement Form say, "Please complete and return this acknowledgement form to the City/Town Clerk, City of Shelton, 54 Hill Street, Shelton, CT 06484."

Standards of Behavior

The Board of Ethics stated the title should state "City of Shelton, Standards of Behavior." Remove "Board of Ethics" as these standards of behavior should be required of ALL employees, officials, members of boards and commissions – elected and appointed.

New tape begins:

Disclosure Form

Chairman Davis submitted to the Board a Copy of an Annual Statement of Financial Interests that the State of CT uses. (State Form #ETH-3 – Revised 10/03.) She explained that she found this form online through the State of CT and it had a list where it had all the senate and house representation and everyone who filled it out. You can go back and click on theirs and see what they filled out for the last 5 years.

Chairman Davis referred to page 7 of 10, Section IV "Interest in Securities." Chairman Davis said it says to include stocks, bonds or mutual funds. I don't have any desire to know that. Byron Peterson asked does the City issue any bonds that are for public sale? The Clerk indicated no. Chairman Davis said I know they have State of CT bonds you can buy.

The Board decided to leave this section out all together.

Chairman Davis moves onto Page 9 of 10, Section V., Leases. Chairman Davis said I would guess this would be leases with the City. On the form change "State Department" to "City of Shelton."

Chairman Davis says also on Page 9 of 10 Section V, Contracts. Change "State Department" to "City of Shelton."

Chris Robinson asks that the Board begin with Page 1 to review. Regarding phone numbers, do you want to add a business number or

another number? Chairman Davis suggested adding 3 boxes, home, work, cell.

Chairman Davis offered to scan this form and e-mail to the clerk, but the Clerk believes she can obtain it from the State online.

Chris Robinson moved to Page 2 and said to change the "State Position" to "City Position." What do you want to put there? Appointed or elected? Appointed/elected/employee? Chairman Davis said we can either leave a line or put boxes, appointed, elected, employee.

The Board agreed we don't need the section regarding "State Position."

Chris Robinson said we can keep "Your previous City Position (last year) (only if different)". Chairman Davis said then we don't need the next section regarding State Position. The Board agreed.

The Board continued onto Page 3 of 10 and noted "Section I. Real Property and Location" should be changed to "Real Property located in Shelton." The first one should be primary residence. The second one should say Property Owned in City of Shelton other than Primary Residence and there should be another one just like this.

Chairman Davis said I was reading one disclosure form and it was a woman and another name, maybe a mother or daughter. Chairman Davis asked the Board, do we really care if it's any place else beside Shelton? Christine Robinson said I don't care. I think it should only be Shelton. Byron Peterson agreed.

Christine Robinson said for primary residence, if it's an employee, they don't necessarily have to be living in Shelton, but if it's an appointed or elected official, they do. The Clerk asked if you want to have an additional property owned added as some people own multiple properties. The Board agreed to add another place to add property if it fits in the form and add a sentence if necessary, use a separate sheet of paper.

The Board reviewed Section II Business With Which Associated which includes non-profit organizations. Chairman Davis suggested putting whether an owner or director first before listing the organizations. Like I

do stuff for the PTA. Christine Robinson asks, do we really need to know that she is a volunteer with the PTA? I was president of the Gaelette Sports Club, maybe if you're an officer you should put it in? It has to do with the City in a way because it's part of the town, but it's under the Board of Ed. Chairman Davis said it's not a big deal to put down you're a volunteer. Christine Robinson said it can get a little overwhelming if you volunteer a lot and do you want only non-profit organizations in the City of Shelton or do you want any non-profit organizations?

Chris Robinson suggested making a couple of these non-profit organization spots. Byron Peterson said the only thing I would suggest is putting a director or a volunteer because that is the only thing I would worry about with a conflict of interest. Chris Robinson asked what does the interest held by self, spouse, joint, child, resident dependent relative mean? Byron Peterson explained maybe it's your spouse that is the volunteer. Christine Robinson said this is getting too complicated. It should be only for yourself. If it's more than one individual volunteering, you'll need a few spots on the form.

Christine Robinson suggested putting a blanket statement in that says you are required to make it known your involvement in any non-profit organizations/trusts/ businesses, etc. that may potentially cause a conflict of interest. You can have people list all this stuff and it may never come up as a conflict of interest. Chairman Davis suggested just put a section in there only if they are an owner, director or board member because that would limit it. More discussion took place.

Christine Robinson asked what is the purpose of knowing a trust? Chairman Davis said is there any trust that can be related to the City? Christine and Byron both said they are thinking of a trust fund. Byron Peterson said unless they made the City the beneficiary of a trust. Chris Robinson suggested taking the trust out. The Board agreed to cross it out. Chairman Davis said if I do a little more research and can find a reason why it might be necessary, I will bring it up.

The Board discussed the section where you list category or type of all sources of gross income (whether earned or unearned) in excess of \$1,000 per year. Christine Robinson said this could be a job, it could be a rental. Chairman Davis said I saw where someone wrote consulting.

For type of business, they write computers. Christine Robinson said now we have to list the source of income for yourself, spouse, joint or child if it's in excess of \$1,000 per year. Chairman Davis said you would not want unearned because that would be stocks and bonds, and we don't need to know that. I thought we were trying to get at if you have sources of income ... Byron Peterson finished that was tied into the city some way. Chairman Davis said if you had someone sitting on a board, like a builder, and then he ends up doing work for them, that is what we really want to know. Whether it's a conflict or not a conflict, at least it's written and there it is in black and white.

Chris Robinson said maybe \$1,000 a year is too low. A teenage kid could make more than a \$1,000 a year with a part time job. Do you want to put all that information down? That's silly. Maybe you want to make it \$10,000 per year. We are looking for the adult child that is living with the person. I think the number should be higher than \$5,000. It should be \$10,000 or \$20,000. You want them to fill this out, and not make it too difficult.

Chairman Davis refers to a form that was filled out and it says State of CT for self, Social Security for self, UTC for self. It's not very detailed at all. We don't care about interest. Christine Robinson asked how do you earn an income? Working, collecting a rent, or a consultant. Chairman Davis said we don't want to know the unearned income. It's really just about disclosure. The Board agreed to raise it to \$10,000.

Christine Robinson said we are eliminating Page 7 & 8 (Interest & Securities in Excess of \$5,000) On Page 9 change from State to City. On these two sections they are not asking for self, spouse, joint or child. Chairman Davis suggested we add it in. Christine Robinson said it makes sense if you asked for it in other categories. The Board agreed to include it.

Christine Robinson noted on Page 10, Certification, at the end it says "Delivered: by mail hand delivered." Is this how they got it? Or, how they are giving it back? The Board suggested the Town Clerk.

Chairman Davis notes Item 1 is fine, just change the calendar year. Under Item 2, I would leave out the penalty. Christine Robinson said to just state "subject to a possible penalty." Chairman Davis said we don't even

need Item 3 and 4. Christine Robinson said I don't think it needs to be filed with us. Chairman Davis says this is for out-of-state travel and lodging. The Board agreed to eliminate Item 3 and 4.

Christine Robinson said we should say when this should be filed by. Chairman Davis said it was stated in the Code of Ethics Ordinance. Clerk said Page 11, Section 8(b). Byron Peterson read, "Such individuals shall file such disclosure form within 60 days after receipt of the notification." Christine Robinson asked why did we put that in there, "The Board of Ethics shall notify all such individuals of their requirements." So, we are talking about anybody who leaves his/her position shall file a disclosure form covering that portion of the year. We don't have time to notify people.

Chairman Davis said to leave it on the individual that after 30 days of their departure to make a statement. Chris Robinson said the question is by us asking for this, which we think is a good idea, whom is going to monitor that it's been done? That's a major question. Chairman Davis said that's up to the Aldermen. They can put it in, are they going to enforce it? Byron Peterson said that's a good point.

Chairman Davis said we need to put in the ordinance something that individuals are required within 30 days after their departure from or appointment to such office of position to file.

The clerk noted that on the disclosure form it lists the existence of any known blind trusts, the names of the trustees. You want to make sure this coincides with your form. Chairman Davis said we did not cross out Trusts, did we? The clerk suggested putting the Section Number of the Code to coincide with the form. Chris Robinson asked did we eliminate the Trust? Byron Peterson replied no we didn't.

Chris Robinson said to use the same verbage in Section 8(c) on the disclosure form.

Chris Robinson said on the last page under Certification we should probably say please forward this form to the City Clerk and when they receive it they check off by mail or hand delivered.

The Clerk noted in the Ordinance under Section 8(f) there is a penalty of \$10.00 per day by the Board of Ethics. That would coincide with Item #2 and reference the section number. Chris Robinson asked who is going to fine them and who is going to collect it? Chairman Davis said it's there if you want to. Chris Robinson suggested to change Item #2 to say, "I understand that if I fail to file an accurate Statement on time, I may be subject to a fine up to \$10.00 per day by the Board of Ethics."

The Board agreed the last two pages were not needed. (Confidential Addendum). It has to do with if you owe a debt to somebody.

Chairman Davis said on Page 13 of the Ordinance, 12. Advisory Opinions. I was reading this today. A person is asking for themselves, so it's confidential and it's based on their set of circumstances. So you are not throwing something out there and someone is interpreting, "well that applies to me, too." They were done confidential in a sense that our response was confidential to them. Their response was, I guess, confidential to us and we were giving an advisory opinion based on their set of circumstances.

Chairman Davis continued that might not be a bad idea because someone is asking a specific situation for themselves. Do you want to make that public? Bring that out when it's not a complaint? I forget which town I was reading about had it. It caught my eye and I was wondering if we should consider that? Byron Peterson said I believe that was in our original ordinance. Chairman Davis said I don't think it was in the original. Byron Peterson mentioned that I think this came up where someone asked if we could provide an advisory opinion. I believe it was suggested that the best solution would be to recuse yourself if you see yourself in that potential predicament.

Chairman Davis said I was thinking of something more involved. Someone is coming and wants to say something specific that is related to them. I was thinking do you want other people involved, or do you want it public? That's why Advisory would be confidential. Then someone could say you wrote this for somebody and my situation is the same. Well, maybe your situation really isn't the same. We might tell them something different based on their situation. They assume it's the same, but if you told us all the facts, we don't think it's the same. That's how I

read it. Byron Peterson said I agree with you it should be kept confidential.

Chairman Davis said add in, "you may apply in writing to the Board for an Advisory Opinion. All Advisory Opinions will remain confidential." It kind of protects us, too.

Chris Robinson asked the clerk why the proposed ordinance has some writing in red and some in blue. The clerk explained that the blue was from changes made at the February 2, 2006 meeting and the red changes was from the April 12, 2006 meeting. Chris Robinson said I think it's time to take out all the little notes and comments.

The Clerk said on Page 4 the item of recuse, did you address that? The Board briefly reviewed and agreed to get one clean copy of this proposed ordinance.

Chris Robinson said on Page 8 where the note is, I would like to have some statement that the Board may without prejudice refer a matter to a third party for resolution and have the authority to request an independent counsel. Where do we put that in? Byron Peterson asks who appoints the attorney for us? Chairman Davis replied the aldermen. Chairman Davis said we said appoint because we didn't want them to tell us what person is going to do it. We wanted some authority in picking an independent counsel.

Chairman Davis suggested adding this after Section 4(d). Make it Section 4(e). *"The Board of Ethics may, without prejudice, refer a matter to a third party for resolution and should have the authority to appoint an independent counsel it to a third party for resolution."*

Chris Robinson said on this form it's called The Annual Statement of Financial Interest. Here we are calling it a Disclosure Form. What do you want to call it? Chairman Davis said we talked about that last time and we are going to call it an Annual Disclosure Form.

Chairman Davis said you can just leave the calendar year blank and fill it in. You don't have to worry about changing it.

Chris Robinson said I would put on the top page the City Seal.

Chris Robinson reviewed that we will then have The Ordinance, The Disclosure Form, The Acknowledgement Form, The Standards of Behavior and then we'll be all done. Byron Peterson said then we can suggest a guide book with it, similar to Stratford's.

Chairman Davis said once we have completed all these changes, do we want to have a joint meeting with Aldermen Anglace and Finn to get some feedback? Chris Robinson said I don't think they need to come to a meeting to get feedback. Next month when we meet we will have everything together. We will review it, make changes, and after that we can send it to them. Byron Peterson agreed we can give them a letter indicating here is the recommended proposed code, attach the forms, please review, and we look forward to your comments.

Chris Robinson said after they read it and if they want to meet with us, they can contact us and we'll meet with them. If they don't need to meet with us, they are welcome to take it to the Board of Aldermen.

The Clerk told the Board that Alderman Anglace and Alderman Finn get copies of the minutes every month, so they should be aware of the changes.

Next Meeting: The Board of Ethics agreed that next month's regular meeting of June 1, 2006 is good for everyone.

Adjournment

Byron Peterson moved to adjourn the meeting. Christine Robinson seconded. Motion passed **3-0**. The Special Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Cyndee Burke
Clerk

