

Nov 1, 2007

### **Continued Discussion of Proposed Ethics Ordinance**

Attorney Welch submitted a memo to the Board dated

The clerk stated that she will make sure all changes suggested by Attorney Welch are made to the ordinance.

In Section 2.(7) – the last two words should be initialed ImmEDIATE FAMILY. The Board reviewed the minor changes suggested by Attorney Welch and were in agreement.

Public Official and Public Employee will be capitalized.

Sec 3. #3(17) the reference to “for cause” needs to be removed.

Sec 7(c) – submit an amendment – please input his suggestion.

Explanatory Notes of Questionnaire - Suggested changes from Attorney Welch.

The Board commented that the Complaint Form had no changes. The Clerk mentioned it was turned over to Attorney Welch a while ago and he made a change to the General Statutes.

Explanatory Notes:

Page 1 changes – Board is okay with these changes – some capitalization

Confidentiality Agreement – (page 5 in the middle – therefore confidential – sixth line down)

Attorney Welch is saying that our definitions need to match. Mrs. Robinson said “Doing business is written here, it should match up here. The closest thing we have to that is the first thing “business.” Or “business which he or she is associated.” We don’t have, per se, “doing business.” Chairman Davis agreed “doing business” and “business” are different. Mrs. Robinson commented that it’s closer to

business with which he or she is associated what this doing business is saying. In the ordinance, “business which he or she is associated” means which a public official, or public employee or a member of his or her immediate family is a director, officer, owner, employee or compensated agent. Note (a) in here says “doing business would include, for example, buying or selling goods or services” (which could be something that is being done). Chairman Davis said instead of “doing business” that should be “business which he or she is associated and would include for example...”

Mrs. Robinson said we have to go into this section where it says “doing business.” Where is it written in the questionnaire that says it is doing business? – No. 1? Section 10, Page 4? Mrs. Robinson reads, “At any time during the past year have you paid, promise to pay or cause to pay anything of value from the city funds or answers to any supplier, vendor or other firms doing business?” That is where it specifically says “doing business.”

Mrs. Robinson says I can understand it more when we get to the financial interest, because if we say financial interest here, whatever we say here (ordinance) should be the same here (questionnaire).

Chairman Davis said this is an example, not necessarily the definition. It’s more of it would include to give some people guidelines. I understand the term, but give me an example of what types of scenarios would be included in that.

Mrs. Robinson said we could say like Note A – we could redefine the definition of business as it is written here in this, and then whatever it says here on definition to No. 1 on the first page of the ordinance, we could repeat that and then to explain further. “Doing business would include, for example, buying and selling ...” just repeat this sentence. Still save this in here. Just put it in there to duplicate it with an explanation. Then you can say, “keep in mind doing business would include, for example: ...” Or “for example, doing business would include buying or selling goods.” Maybe that would be a better way to say it. Chairman Davis said I agree with you, I think we need to ask Attorney Welch, that it’s not necessarily the definition, it’s more of an example. How do we word it that it’s an example, not a definition and can we do that, can we not do it? What would he

suggest, because we are trying to make it easier for the person filling it out.

Mrs. Robinson said I think when they do the Conflict of Interest annually they may not necessarily have the ordinance with them. If at the minimum we repeat the definition as stated in the ordinance and then for clarification and “example of doing business would include buying or selling goods ...” Then when it comes to “financial interest” repeat the definition “means any interest of money value of \$100 ... and then say “for example, financial interest would include ownership of stock, ...” Maybe stating the definition and explaining it further. That would be my only thought on what he is trying to say to us. Mrs. Robinson says this is fine for Note A, but I don’t know what it means on Note B.

Mr. Peterson said we can present it to him and say is that your intention?

Mrs. Robinson says with Note B, is that said anywhere in the proposed ordinance? Mr. Peterson said no. Mrs. Robinson said we have municipality means the City of Shelton. The Clerk suggested under Declaration of Policy? The first sentence. Mrs. Robinson said do we change the City of Shelton in the Explanatory Notes to mean “it’s city officers, employees, and officials, whether elected or appointed, paid or unpaid?” I think that is what he may mean. Change that sentence to the first sentence under the Declaration of the Policy. I don’t know. What it is saying here is the term City of Shelton means each of its departments. The departments are the employees. Mr. Peterson said another thing, too, we say each of its commissions and each of its elected positions, and he is saying all of its public officials and public employees. Chairman Davis said it almost at some point is more confusing that it’s there – Note B.

Mrs. Robinson said if you read Page 1 of the disclosure. That means if I did business with any city officer, employee, an official – elected, appointed, paid or unpaid. Chairman Davis added if you are saying the “City”. Mrs. Robinson said it’s stated up above that it is the intent of the City of Shelton, hereby known as “The City.”

Mrs. Robinson said “the term City of Shelton means all city officers, employees, and officials whether elected or appointed, paid or unpaid.” Chairman Davis said that sounds fine to me. Mrs. Robinson said my interpretation of what he is saying here is the verbiage needs to match. Mr. Peterson said my question is which one is he concerned with, is it A or both A & B? Mrs. Robinson said he just says Explanatory Notes. To me that means A, B, C, D, & E.

Mrs. Robinson said immediate family hopefully should match. Does he want it to be the same verbiage? Chairman Davis said whatever one has the fullest one we make a match. The Board reviews the definitions. Mrs. Robinson said I think what he is saying it needs to match verbiage. You can count it 1, 2, 3. The ordinance should stay the same and change the Conflict of Interest to match the ordinance. Mr. Peterson said we don’t have grandchildren listed.

Mrs. Robinson says definition in the ordinance should repeat in the Explanatory Notes as Immediate Family Member means: (1) Spouse; (2) Parent, ... just as it’s listed in No. 7 on Page 3 of the ordinance.

Mr. Peterson said I am wondering if we say sibling, would people recognize stepbrothers and stepsisters as siblings? Chairman Davis said someone may not think so. Mrs. Robinson. said we have “step children.” Mr. Peterson suggested after sibling put in parentheses (including stepchildren). The Board agreed. Mrs. Robinson said or add ‘step iblings’ into No. 7 on the ordinance. A stepchild is not a stepsibling.

Mrs. Robinson said we should make a recommendation to add “stepsibling” to Immediate Family in Section 7 of the Ordinance and then doing that re-write the Explanatory Note like that and bullet it. Then it matches.

Item No. 4 of Attorney Welch’s Memo. Mrs. Robinson said would that reference No. 11 on the ordinance, Personal Interest? They are talking non-financial there.

The Clerk mentioned in No. 14 of Conflict of Interest it says “him/her”. I thought at the beginning of the ordinance it put everything in the male gender. Mr. Peterson said just change that.

Mrs. Robinson said isn't it understood that if it's in the male gender it's either or?

Mrs. Robinson reads "personal services" and asks what would that reference? Chairman Davis said I am confused as to what he is meaning these activities might include, and really we are defining what the activities include. Then we are basically going to have to make definitions for everything. I really think we are going to need to have him with us to figure out what this means legally versus what we are trying to get across. We are just trying to help someone to fill out the form.

Mr. Peterson said I don't see any problem with D & E. I can see his concerns about the first two, but what is his concern because he may be reading something differently that what we intended.

Mr. Peterson said the question I would ask is if he would clarify which part of the notes does he think is in conflict with the ordinance. Chairman Davis asked the Clerk if you can ask Attorney Welch what he means. Mrs. Robinson said I can understand A, B & C. I'm totally mixed up on D & E.

The Clerk said Attorney Welch has all the stuff. I can shoot him an e-mail tomorrow.

#### Standard of Behavior.

Mrs. Robinson explained how this is handled at her employment, which is a healthcare facility. It is given on hire and it is given annually and it is a signed requirement. It has to be reviewed on your annual review and it has to be signed that you have read it and accepted it.

Chairman Davis asked if it is anything similar to this one proposed for the City of Shelton? Mrs. Robinson said they are core competency dealing with the meaning of refer, wisdom and integrity. There is a standard of behavior that goes with these competencies. It's a little booklet It talks about service excellence and in order to create, there are standards of behavior to be met or exceeded in order to reach service excellence.

Chairman Davis said it sounds more like a human resource issue. Mrs. Robinson agrees and says it is done at orientation along with code of confidentiality that has to be signed. Regular employees do not have to do a conflict of interest, but management does. Management would do a conflict of interest, a standard of behavior and a code of confidentiality.

Mrs. Robinson continues to explain the restrictions and confidentiality of HIPPA, etc.

Chairman Davis said that we should at some point address the Standard of Behavior to Alderman Anglace. Although we like the thought of it, it doesn't belong with the Ethics Ordinance. It should be something from the Human Resource Department. Mrs. Robinson added or Board of Aldermen that this is something they want.

Chairman Davis said I think he wanted to apply this to the Ethics Ordinance. In reality it really should be applied to everybody, not just one sector.

Chairman Davis asked Mr. Peterson if he has one at his company? Mr. Peterson replied no. Mrs. Robinson will bring a copy of it for them to look at.

Chairman Davis I can understand what Alderman Anglace feels, but what applies to us, should apply to everybody else. The Board agreed.