



BOARD OF ETHICS  
SHELTON, CT  
REGULAR MEETING – OCTOBER 4, 2007

**MINUTES**

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**Call To Order/Pledge of Allegiance**

Chairman Davis called the meeting of the Board of Ethics to order at 7:15 p.m. in Room 104 at Shelton City Hall. The Pledge of Allegiance was recited.

**Roll Call**

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

Thomas J. Welch, Corporation Counsel – present

**1. Accept the Minutes of the Regular Meeting of August 2, 2007**

Motion was made by Christine Robinson, seconded by Byron Peterson to accept the minutes of the Regular Meeting of August 2, 2007. Passed unanimously **3-0**.

**MOTION TO GO INTO CLOSED SESSION**

Motion was made by Byron Peterson to go into Closed Session to discuss Complaint Reference #2007-01 and invite Corporation Counsel Welch. Christine Robinson seconded. Passed unanimously **3-0**.

Regular session ended and Closed session began at 7:16 p.m.

Attending:

Maria Davis, Chairman

Christine Robinson

Byron Peterson

Thomas J. Welch, Corporation Counsel

**2. Complaint Reference 2007-01**

There was discussion.

**MOTION TO GO INTO OPEN SESSION**

Motion was made by Christine Robinson to come out of Closed Session and return to Open Session. Byron Peterson seconded. Passed unanimously **3-0**.

Closed session ended and Regular session began at 7:25 p.m.

Attending:

Maria Davis, Chairman

Christine Robinson

Byron Peterson

Thomas J. Welch, Corporation Counsel

**3. Continued Discussion of Proposed Ethics Ordinance**

Attorney Welch explained he only had two issues since the last time we all went through this. He and his father went over the Disclosure Statement. It's the right idea to fill out the financial disclosure, but then to say if you don't do it, you can't take office, when the electorate has spoken. The Charter would have to be changed. The charter says you're voted in. The Board of Aldermen have certain discretionary powers if you have a conflict of interest. I think we can have the financial statement and have people fill it out but the failure to fill it out is an issue. I don't know the repercussions for that without a change in the Charter.

Attorney Welch explained, if somebody gets elected and they say I'm not filling it out, what are you going to do, have a special election?

Chairman Davis said you are basically telling us that we can't put it in there because the Charter does not provide for us to put it in there.

Attorney Welch said you can have it as part of your ordinance, you just can't say that you're out of office if you don't sign it. Mr. Peterson said so basically we could say that it would be considered a breach of the City Code of Ethics and may result in disciplinary action by the City. End it there? The question is what disciplinary action could the aldermen take against someone who is elected who may not complete this?

Chairman Davis asked about someone who is appointed? Attorney Welch replied I think you are probably okay. Attorney Welch said I would leave out "*that all elected and appointed officials shall complete this form.*" Mrs. Robinson noted that it says here "*upon appointment, election, hire and annually a conflict of interest and disclosure questionnaire should be completed. Failure to answer these questions or not answering them accurately or completely will be considered a serious breach of the City's Code of Ethics and may result in action including not being appointed or result in disciplinary action by the City up to and including dismissal.*" Attorney Welch stated I would leave out the second paragraph (on first page of the Conflict of Interest & Disclosure Questionnaire and 7.(c) of the Code of Ethics Ordinance.). Chairman Davis said is there any reason we can't say "failure to answer these questions or not answering them accurately and completely will be considered a serious breach of the code of ethics" and just leave it right there? Attorney Welch questioned, what is the code of ethics that you breached?

Mrs. Robinson said don't say anything and the intent is to have it done. Attorney Welch said because everyone has to do it. Mrs. Robinson said that is the intent. If they don't want to do it. Attorney Welch interjected, then you are raising another issue. People are going to say why aren't you signing it? You are going to have people that say you have a code of ethics that says I'm not to have a conflict of interest. You don't trust me, you don't believe me, now you want me to fill something out? Then the argument is, why don't you fill it out?

Attorney Welch said I think to have it as part of the ordinance and when it comes up in the Charter is you define the conflict of interest in the Charter and put it in there.

The Clerk verified the change in 7.(c). is to keep the first sentence and take out the rest. Attorney Welch agreed and also suggested in the sentence that the word "should" be changed to "**shall.**" The Board agreed.

Attorney Welch said in the Disclosure Statement there are all these questions and if yes, the details. The question I have is "to what?" Attorney Welch reads for example, question #4, "*At any time during the past year, have you or, to the best of your knowledge, any immediate family member, been engaged in any activity for personal profit which could be considered as being in competition with the City or contrary to the City's interests?*" Attorney Welch suggests an answer: Yes, my brother-in-law sued the town. Or: I've got 3 lawsuits pending against the police department.

The Board said that answer would be fine. Chairman Davis said it's basically to get people to think more about what they are doing. It's trying to get the appointees, officials, who we are thinking should fill this out just being open. Nothing to hide.

Attorney Welch said I think Freedom of Information requires the disclosure of public documents. The Confidentiality Agreement says it's confidential. Mrs. Robinson said then we need to take that out? (Page 5 of the Disclosure Statement).

Attorney Welch said most of this is public information. We can amend that to say those items that are held in executive session that are pursuant to CT General Statutes 1-200 shall be held ... because those you can't talk about. Mr. Peterson said that is what we were trying to get at. Those items that have been identified as confidential.

Chairman Davis said I think what we were trying to get here is if people were in a closed session things you are not supposed to disclose. You are confirming the fact that you are not going to disclose them. Attorney Welch said we can write it and say it's defined by the Freedom of Information Act, anything that is held in

Executive Session shall not be disclosed and held as confidential information. Attorney Welch will rewrite this section.

Attorney Welch refers to the Ethics Ordinance, Item 7.(a) where it talks about the questionnaire. If you have a conflict of interest, 7.(a) is different than 7.(c). So if you have a conflict of interest, you have to disclose what that conflict of interest is which is just on that particular instance. And 7.(c) is a separate document. Chairman Davis said yes, that's the questionnaire.

Mr. Peterson said we need to clarify and people realize that 7.(a) is if you do realize you may have a conflict of interest – financial or personal – you may want to reveal it. 7.(c) is totally different. It is upon appointment.

Chairman Davis said we had a conversation about this. In the current ordinance, we want to be notified even if there is a possibility, versus now is only if you are going to engage.

Attorney Welch said there is an argument to be made that the only time you have to disclose it is if you've got a personal interest and are going to participate. It almost seems backwards. The person would say I am letting you know that I am going to participate in these even though there is some kind of interest. Chairman Davis said so did we cover that in this ordinance? Attorney Welch said the whole intent is – and everybody agrees – is that you have to notify us and tell us that you have a conflict of interest and NOT participate and tell what the conflict of interest is. I think that is a big issue. People disqualify themselves often and don't tell you why.

Mr. Peterson said it may not be a conflict of interest after all. They may think it is and we may find out it isn't a conflict of interest.

Chairman Davis asked Attorney Welch does our terminology seem to match both documents? Did you take a look at that? Attorney Welch said the questionnaire is asking questions – what will happen to it? Chairman Davis said we haven't really determined who is going to be the keeper of these. Attorney Welch replied, Town Clerk. Mrs. Robinson said it's up to the Board of Aldermen to make that decision.

Attorney Welch said but most documents such as that are usually held by the Town Clerk.

Mrs. Robinson commented if you want to be held to the highest standards, this is where you have to go. I think this is what we were charged with is to work on the document so that it's clear and we are bringing people to the standards that the City is expecting them to be at.

Attorney Welch said I am surprised that the State Legislature that was proposed three years ago has never gone anywhere. Chairman Davis said Stratford is revisiting this. It made it sound like the State just did something.

Chairman Davis said after all these minor changes are made, what do we do next? How does an ordinance work? Attorney Welch said you will send this back to the Board of Aldermen. They will send it back to their committee and at some point when this initially started it was to start here, have you come up with your ideas and then they were going to send it to everybody for all boards and commissions to get some input and ideas before it even came back to the Board of Aldermen.

Attorney Welch continued, then it will have to go before a public hearing of the Board of Aldermen, but I would think if you send it to boards or commissions, like Planning & Zoning, and they may see something that is not practical and then address it to the Board of Aldermen or address it back here. Mrs. Robinson said the final decision is with the Board of Aldermen. Attorney Welch said once the Board of Aldermen determine they accept it and it's gone through their committees, they send it to public hearing and then once through public hearing, they have 60 days to vote on it.

Mrs. Robinson reviewed that basically we were charged with putting something together. We did our homework extensively. We looked at all the different extremes that there were of the different ordinances that are out there. Now this is what we came up with. Attorney Welch commented that I am much more comfortable with that financial disclosure.

Mrs. Robinson said if this is the direction that the Board of Aldermen wants for the town, they'll review it, let everybody look at it and then go from there. We won't take a personal offense if they don't like it.

Attorney Welch said what is currently in place doesn't give you many parameters. Now you can read something and understand.

Mr. Peterson said when it comes back then we can sit down and give our suggestion in how to put it in format so people can have access to it. The procedure to get it out can be a discussion, too.

Attorney Welch said I love the idea of newly elected and appointed officials having an orientation book, and we talked about signing off on it. Mr. Peterson said it makes the process more personal. Chairman Davis commented you are being appointed and you really do have a huge responsibility. Mrs. Robinson added, and you don't know what you're expectations are. Attorney Welch said so many times things that happen are innocent errors.

Mrs. Robinson noted that most businesses do this annually and you make everybody read it and sign it. Attorney Welch commented that when the kids start school freshman year, they make them sign a handbook that they got all the information.

Mrs. Robinson said let's just clean this up and send it on its merry way. Attorney Welch said we'll get it back to you for next month.

Attorney Welch left the meeting at 7:50 p.m.

The Clerk will make all the changes and submit to the Board of Ethics and Attorney Welch the final documents for review before submitting to the Board of Aldermen.

**Adjournment**

Christine Robinson moved to adjourn the meeting. Byron Peterson seconded. Motion passed unanimously **3-0**.

The Regular Meeting of the Board of Ethics adjourned at 7:52 p.m.

Respectfully submitted,

Cyndee Burke, Clerk