



BOARD OF ETHICS
SHELTON, CT
REGULAR MEETING – JANUARY 3, 2008

Call To Order/Pledge of Allegiance

Chairman Maria Davis called the meeting of the Board of Ethics to order at 7:18 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

Also Attending:

Thomas J. Welch, Corporation Counsel

1. Accept the Minutes of the Regular Meeting of December 6, 2007

Chris Robinson moved to accept the minutes of the Regular Meeting of December 6, 2007. Byron Peterson seconded. Passed unanimously **3-0**

2. Continued Discussion of Proposed Ethics Ordinance

Attorney Welch said I know that the majority of your Ethics Code of Ordinance came from was completely different from your Disclosure Statement. I got that from discussions in your minutes. All you want is clarity for both you, and the elected officials and employees of the City. I was just trying to get the consistency. If the Code of Ethics is where you want it to be and those definitions are fine, but you want to be a little broader or you ask some different questions in your questionnaire, there is not a

problem to it. But, if they are necessary for you and you want them, then in big bold letters note that the definitions are not the same definitions as in the Conflict of Interest. State that you should please read the definitions of both the Ordinance and the Questionnaire closely so that your answers are specific.

Chairman Davis said to Attorney Welch that we had a problem trying to follow what items you were concerned about. We guessed and then we weren't sure. We did make the change where we were noting immediate family members so that they would match.

Mrs. Robinson said financial interest was another area and then we just didn't know about the Notes. Attorney Welch said in your Explanatory Notes, you are trying to be helpful but in both documents financial interest has two different definitions. In the questionnaire, you are asking financial interest questions, but your definition is different. Is that the intent? Chairman Davis answered I think what our intent is to have the same thing as No. 5. When Mr. Peterson gave us that example, it was to say these are some types, it could be ownership of stock. I don't think we were trying to identify it as the definition. This is the definition here, but keep this in the back of your head like ownership of stock could be something of a monetary gain. I don't know if there is a way to reword it. I can see where it's confusing. I think we should have one definition.

Mrs. Robinson said but we don't have a definition – and I think that is where we were getting caught up – “doing business.” Doing business is not defined in the Code of Ethics. Attorney Welch said you are trying to put the two together. You define business with which you are associated. You make the words in the Questionnaire match the words in your Code. Chairman Davis said we were just trying to be more helpful, but I can understand what you are saying. Attorney Welch said someone comes before you and has an alleged violation and they say “financial interest.” I read financial interest and it's not there. Chairman Davis said we don't want to have that problem, so we want to avoid any issues. I would prefer if someone really had a question, they come and ask versus having what you are telling us are two different definitions which we don't want to do. Mr. Peterson said the last thing I want to do is confuse them.

Mrs. Robinson said so we would have to take out Note A where it says doing business. We can say business and put the exact definition we have

under the Code, but we can't put "doing business." Mr. Peterson asks Attorney Welch, do you see that as a problem? I don't see that as a problem. Attorney Welch answers, doing business is not defined in here. But what are you asking for here, if doing business has nothing to do with your Code? You talk about are you doing business, but then if you worry about who is doing business, wouldn't it be part of your Code? If you put it under Prohibitive Activities, it says "no public official or public employee shall engage in any business or transaction or have a personal or financial interest direct or indirect. If you put in, "no public official or public employee shall engage in doing business with the city." Now you are adding a new definition and "doing business" into the code.

Attorney Welch said we can pick this apart. Mrs. Robinson said if we like this "doing business" in the explanatory notes, then we do need to add it to the definition of the code and put it under the Prohibitive Activities.

Chairman Davis said we are not saying they can't have any business with the City. We are asking here, has anyone done business with the city, and I guess it was more for disclosure. We are not saying it's right or wrong. It may not be a prohibitive activity. You may say yes and give the detail. Then if someone came later on and alleged something wrong was done, you can say that person filled out a statement and disclosed it. Mrs. Robinson added, and it's not incompatible with the proper discharge of their office.

Attorney Welch said if you look at the first question on the questionnaire, we change it so we capitalize Immediate Family, Financial Interest meaning that those definitions were defined in the Code. If you look at No. 3 – Gifts is capitalized because it's defined in the code. Doing business is pretty clear. It may not be necessary to have it. You already have Immediate Family already done, Financial Interest is already defined, and then doing business in not capitalized in the document anyway.

Attorney Welch reads No. 10 of the Disclosure Statement. Mrs. Robinson asks if doing business should be capitalized? Attorney Welch said business is defined in the code as an entity and this is a verb. It may be worth "doing business" is something we have to define.

Attorney Welch said I don't understand No. 10. There was a discussion among the group regarding its interpretation. Attorney Welch said you want

people to give us business. We bid everything. Mrs. Robinson said I think this is the reverse of it. It think it's above and beyond.

Attorney Welch said I would do it like the one before. Have you done anything improperly to get business or services from such firms for the City? Would you say other firms doing business with the City in order to improperly obtain or retain business for the City? Mrs. Robinson replied I think we were thinking of it from the perspective. You are talking about giving a little something extra. Mrs. Robinson said if you add the words "improper." Mrs. Robinson said I think it was paying extra to keep this company – I think that was what it was.

Attorney Welch said I would take out all your Note Definitions. That's the easiest and the Explanatory Notes should come out because we are making this a part of the Code of Ethics and we already capitalized all the terms that are defined in the code. Mrs. Robinson asked do we need to state that at the beginning of the Conflict of Interest Disclosure Form, if a word is capitalized, its definition would be found in the Code? Attorney Welch answers, no because in 7(c) we already said that the Disclosure Questionnaire is attached hereto and made a part of this ordinance.

Chairman Davis noted to the clerk that all the Explanatory Notes come out of the Questionnaire. Mrs. Robinson said so Page 7 & 8 are gone and all references to them will be gone in Pages 1 thru 5. We can probably get this down to 5 pages.

The Clerk asked isn't it mentioned in the Code of Ethics that the Complaint Form is part of the ordinance? It was stated in the original ordinance. Mrs. Robinson said I think all we said was prescribed by the Board. Attorney Welch said you are probably better off with that so it can be changed. Mrs. Robinson said if we want to change that form, we are not confined to being part of the ordinance. The Clerk asked where do you keep the form available, Town Clerk's Office? On line? The Board agreed to both. Mrs. Robinson said make it a PDF file on line. Are there other forms available as a PDF? The Clerk replied yes.

Mrs. Robinson said I would imagine once this gets approved, it would be on line. The Clerk replied all ordinances are available on line.

Mr. Peterson said he looked back in his notes and No. 10 had to do with “influencing.” Use the word improper and it should cover it.

The Clerk said in reading the ordinance, I think you need to mention there is a form to be filled out. Otherwise you will receive complaints via letters. In the past you have returned letters and asked that the form be completed. Mrs. Robinson said we could put into that statement, a form prescribed by the Board “available at Town Clerk’s Office at City Hall.”

Chairman Davis said if I want to file a complaint or something, you have to come down to City Hall and ask what form is needed. That’s the logical thing. Mrs. Robinson said I agree, but not everyone who makes a complaint is logical.

Mr. Peterson asked if there is anything on the website that says all forms are available on the website? Mrs. Robinson said not everybody has a computer to go on. Chairman Davis said I don’t think everything is on the website. Mrs. Robinson said it does say in the ordinance on a form prescribed by the Board.

Chairman Davis said we talked about making a handbook describing steps to file a complaint. Something with basic general information. Stratford had a very nice form on line. Mrs. Robinson said we did say we would do this once the Aldermen approve it.

Attorney Welch said I have always been a proponent of having a true handbook for every new elected or appointed official. If you had an orientation, maybe done every January. Mrs. Robinson said that is what this handbook is supposed to be. We get it to that point with the documentation yearly that they’ve read this along with the other document called Standards of Behavior. This would be two separate things.

Attorney Welch said I find that government, for whatever reason, after you are in, you are on your own. As opposed to Corporate America where you have a week orientation. You walk around and meet different groups. They take you around and take you to each department and explain what it does. Government doesn’t do this. It always bothered me, especially in short terms. You take the first 12 months to get your feet wet and then you are running for re-election. I can’t imagine what it’s like in Washington, running for Congress. How are you supposed to know what happens down

there. Attorney Welch said everybody has the same reaction, would love to help, do my part. Mrs. Robinson said absolutely and then you don't know what to do. In Corporate America they guide you all the way through.

Chairman Davis said to Attorney Welch, we will send this off to the aldermen, do they ask you to look at it and make any comments? Attorney Welch replied they already know. If they make changes, they will. Chairman Davis said is there anything they can ask you that we should be looking at ahead of time? Attorney Welch said no, the way I look at it as what is legal. Most of this is legislative. These are things that you think are important. It has nothing to do with the legal side. As you can imagine, it's very hard to keep my personal opinions out of it. Let the legislators do their legislating.

Mrs. Robinson reviewed that we are just to clean up this Conflict of Interest and then submit to Board of Aldermen. Mr. Peterson said they may call us in to address some of the changes and what we went through. We looked at all the ordinances that existed in the State of CT. We took what was our intent and tried to clarify it. Tried to make it the most encompassing ordinance for our City. Chairman Davis commented we took our time and the State hasn't beat us yet. Attorney Welch commented I haven't seen anything from the State,

The Clerk asked if you are requesting to be put on the agenda or are you just going to send a letter? Mr. Peterson said why don't we just send them a letter and let them decide what needs to be done. The Clerk addressed Chairman Davis that maybe the letter should come from her as Chairman and explain the process. Mrs. Robinson reviewed how we received information from all these other ethic groups throughout the State, also utilized the Common Cause. Mr. Peterson said that Mr. Widomski gave us some information. Mrs. Robinson maybe bullet the process we went through.

Chairman Davis asked when we send it to the Aldermen, do they have to put it on the agenda? Can they just sit on it? Attorney Welch said I would expect that they put it to some type of committee. There are three committees, not sure which committee it will be sent to. Chairman Davis said I don't want to see all our work go and sit around. The Clerk suggested that the letter be addressed to John Anglace, President of the Board of Alderman. Mrs. Robinson said that Aldermen Anglace and Finn charged it

to us. Attorney Welch said it originally came from the proposed law which was June of 2006. Chairman Davis said I think it was in 2005. I would like to see the process keep going on.

Chairman Davis thanked Attorney Welch for attending this evening's meeting.

Adjournment

Mrs. Robinson moved to adjourn the meeting. Mr. Peterson seconded. Passed unanimously **3-0**.

The Regular Meeting of the Board of Ethics adjourned at 8:00 p.m.

Respectfully yours,

Cyndee Burke
Clerk