

**Ethics Committee Regular Meeting
February 28, 2018 at 7 PM
Meeting Room One Town Offices
FINAL MINUTES**

Committee Member Attendees: Lee Suskin Chair, Mike Ashooh, Bill Deming, Gwen Webster, Diana Vachon Clerk

Public Attendees: Mike Donoghue, Linda Riell, Doris Sage, Sara Tompkins, Tom Tompkins,

Call to order at 7:07 PM. Tom Little and Pete Gadue couldn't make it due to illness.

Accept the Agenda: Motion by Ms. Webster to accept the agenda as is. Seconded by Mr. Ashooh. Motion Passed unanimously.

Approve Minutes from January 24, 2018: Mr. Deming moves to accept the minutes as is from Ethics Committee regular meeting on 1/24/18. Ms. Webster seconds the motion. Motion passed unanimously.

Opportunity to Disclose Conflicts of Interest: Hearing none, moving on to the next agenda item.

Public Comments: No comments for items not on the agenda at this time.

Discussion of Suggested Revisions to the Ethics Ordinance for Recommendations to the Selectboard Chair Suskin thanked the following people for making comments on possible Ordinance changes: Linda Riell and a group of 10 Shelburne Residents, former members of the Ethics Pro Tempore Committee (EPTC) Roger Preis, Anne Dixon, Ann Hogan, and Town Manager Joe Colangelo.

Chair Suskin had sent out a document dated 2/27/18 summarizing the comments submitted. He opened up discussion to the Committee and public to discuss suggestions and decide what to keep and what should be eliminated.

Suggestions included:

- The Complaint process needs to be simplified.
- The Determination of Probable Cause needs to be revised.
- Need to re-determine when the complaint becomes public.
- Need to determine sanctions.
- Need to clarify what provisions apply to whom, i.e. elected/appointed public officials when acting to set policy/when acting in a quasi-judicial proceeding.
- Need to continue to prohibit financial conflicts of interest,
- Need to consider adding *impugning reputation* and a revolving door clause.
- Need to specify the powers and duties of the Committee; i.e. Annual Ordinance trainings,
- Need to establish funding procedures, establishing the independence of the Committee,.
- Need to authorize an ombudsman and/or mediation, whistle blower protection, and revising the Rules to follow the Ordinance.

Some members of the public feel there is a need for an advisor who could assist with filling out the claim, advise on the Ordinance, and address values and principles. The Committee should prepare easy to use forms and instructions for filing a complaint. Some members also requested a possible

ombudsman to be a citizen advocate. Is there a code of conduct? If not, they would like a statement of values and definitions of what is acceptable conduct and what is not.

The original intention of the Ordinance was not to be complaint driven, but last year (2017), it has manifested that way. It was intended to deter people from committing unethical actions and behaviors. The EPTC comments suggest that the Ordinance is so broad that it was used in ways that it was not intended to be used.

The Committee agreed that the Committee should provide training and education and that a committee member or person appointed by the Committee should be able to provide advisory opinions to public officials on ethical conduct. The Committee agreed that it should have the authority to appoint an investigator to confidentially investigate complaints that are filed; it should not have the authority to file and investigate complaints on its own. The standard on whether to begin an investigation should be whether the complaint has merit, not whether it establishes probable cause. The Committee should have authority to appoint a mediator during and after an investigation.

The Committee decided that it needed further discussion before endorsing the prohibition of conduct that is not a financial conflict of interest, adding a revolving door provision, adding whistle blower protection or adding a statement of values and principles for ethical behavior.

Discussion of a Schedule and Timetable

The Committee will take tonight's comments and create a framework for the Ordinance and use it to edit and revise the Ordinance. Chair Suskin will start talking to the Selectboard after the up-coming election to get their opinions, send them a summary of the Committee's progress, and suggest setting up a meeting with them.

Other Business:

Hearing none.

Go into Closed Deliberative Session to Consider a Written Decision of the No Probable Cause Determination on the Complaint filed December 7, 2017

MOTION: Mr. Deming moves to go into deliberate session at 9:10 PM per the Ethics Ordinance Chapter 5 Article 16 d. Ms. Webster seconds the motion. Passes 3-0-1. Chair Suskin abstains due to recusing himself from the matter.

The Committee left its deliberative session at approximately 9:15 pm.

The Committee agreed to table the discussion until Acting Chair of the Complaint Mr. Little is available to meet.

MOTION: Mr. Ashooh made a motion to adjourn at 9:16 PM. Seconded by Ms. Webster. Motion passed unanimously.

Respectfully submitted by Diana Vachon, Clerk