

Town of Shelburne  
Ethics Committee Meeting  
Thursday 3/16/17  
Town Offices Meeting Room 2  
***Final Minutes***

Attendees: Lee Suskin, Chair; Tom Little, Vice Chair; Gwen Webster; Bill Deming; Mike Ashooh; Diana Vachon, Clerk

Chair Lee Suskin called the meeting to order at 8:18 am and proceeded to lead the Committee through the posted Agenda (copy attached to these Minutes).

Motion to accept February 16, 2017 meeting minutes by Bill. Seconded by Mike. Motion passed.

No Public comments.

Lee had previously sent out materials to be reviewed for this meeting, including a proposal for revisions to the Ethics Committee Rules of Procedure and a proposal for revisions to the Ordinance.

Committee members discussed whether to go into executive session to review and discuss records not accessible to the public. Motion made by Gwen to go into executive session. Seconded by Mike. Motion passed. Entered Executive Session at 8:20 am. At 8:22 am exited executive session.

Members discussed how to review proposed revisions to the Rules of Procedure and in particular whether to consult legal counsel to confirm that the Committee has the authority to make any or all of the proposed revisions, such as injunctive procedures pursuant to the Ordinance. No decision was made. The members did agree that it would be best to review the proposed changes to the rules in conjunction with the Ordinance and its proposed revisions.

The Committee started to go through the rules one by one. The Committee questioned:

- whether the rules should define what Rules 1 and 2 mean by “a person must file a complaint within so many days of *discovering the matter*;”
- whether the rules need to clarify whether the Rule 2.b preliminary probable cause deliberation meeting must be warned;
- whether the Ordinance needs to clarify whether Article 16.f of the Ordinance authorizes the Committee to order a public official to recuse him/herself prospectively,
- whether the Ordinance needs to clarify whether Article 16.f of the Ordinance authorizes the Committee to order a public official to recuse him/herself **only** if the Committee first determines that the public official violated the Ordinance.

Members agreed with the Chair's suggestion that the Committee should as a first step make revisions to rules that add clarity and that the Committee clearly has authority to do under the current Ordinance. Agreed.

Such revisions could include renaming the Rule 2.b. Preliminary Investigation to read: Preliminary Probable Cause Investigation; amending Rule 2.b. to authorize the Clerk (instead of the Chair) to set the Rule 2.b. hearing; making it clear that the Rule 2.b. hearing is a "closed session," not a deliberative or executive session; and adding commentary to include cites to the ordinance authorizing the rules' procedures and any revisions.

The Committee agreed to work on needed revisions to the Ordinance over the course of the year and to hold sessions to get the public's input on proposed revisions to the rules and to the Ordinance. The Committee could then make additional revisions to the rules to align with any Ordinance revisions adopted by the Selectboard.

Lee will prepare and distribute a new draft of proposed rules revisions prior to the next meeting of the Committee.

Nest Meeting:

At the next meeting, we will discuss Lee's new draft and will also discuss what additional activities the committee wishes to take on in the coming year. The meeting is set for 4/20/17 at 8:30am. We will schedule monthly meetings for the rest of this year on the third Thursday of month at 8:00am.

The meeting adjourned at 9:40 am.

Respectfully submitted by Diana Vachon