

DRAFT

Ethics Committee Regular Meeting  
July 26, 2018 8:30 AM  
MR1

Attendees: Chair Suskin, Michael Ashooh, Bill Deming, Gwen Webster, and Diana Vachon, Clerk

Called to order at 8:40 AM

Motion to approve the 7/26/18 agenda by Ms. Webster. Seconded by Mr. Deming. Motion passed 4-0.

Motion to approve the minutes from 6/28/18 by Mr. Deming and seconded by Ms. Webster with one correction: to strike "Special Meeting" and substitute "Regular Meeting." Motion passed 4-0.

No one disclosed any conflicts of interest.

No public comments were made.

The Committee discussed if there is a need for regular meetings going forward. At this point the Selectboard needs to review the draft Ordinance. If they decide to move forward with the draft, they will hold public hearings. Therefore, the Ethics Committee will cease holding regularly scheduled meetings at this time. Special meetings will be called and scheduled as needed.

On July 5<sup>th</sup>, Chair Suskin sent an email with the recommended June 28, 2018 Ordinance to Interim Town Manager Lee Krohn, Selectboard Liaisons Mary Kehoe, and Jamie Heins, and cc'd the Ethics Committee, asking Mr. Krohn to forward the draft to the Selectboard for further action. The Ordinance has not made it onto the Selectboard agenda. Chair Suskin will follow up with Mr. Krohn to learn of the Selectboard's plan to proceed towards adoption.

Next, the Committee discussed whether to make any revisions to the recommended June 28 Ordinance.

The Committee agreed to recommend the following revisions:

Add a definition of "Business Associate:"

Business Associate means a business or organization for whom the public official supplies directly or indirectly and/or would reasonably anticipate supplying future business services or materials.

Add a definition of "De minimis:"

De minimis denotes an insignificant interest that could not raise reasonable questions as to a public official's impartiality.

Add the following italics to Article 5. Prohibited Conduct - B on line 4. "...office. *In a quasi-judicial proceeding*, the public official may, after recusal, represent, ...."

Add the following italics to Article 4. B. 2. b. "A situation where a public official has *engaged in more than a de minimis ex parte communication...*"

Add the following italics to Article 11. C. 5. a. "...using a preponderance of the evidence as its standard of proof on whether the public *official's actions were greater than de minimis violations* of Articles 8-14..."

The Committee decided to send a memorandum to the Selectboard with the above changes and recommendations, instead of than sending a revised ordinance.

Ethics Committee Rules of Procedure will need to be revised if the Selectboard adopts the current draft Ordinance. Things for the Committee to consider in the revised rules:

- Revise the Oath, Complaint and Response Forms
- Develop information materials
- CBC rules such as the BCA rules will need to be changed to align with the recusal rules in new Ethics Ordinance.
- Public Statements: if a complaint is denied due to lack of probable cause and/or a lack of a reasonable doubt: how much is disclosed? How much is disclosed for reasons of recusal?

The Committee discussed educational outreach. They want to organize a training program, possibly with Mr. Ashooh taking the lead. The Committee acknowledged that a committee member may need to recuse him or herself from hearing a complaint involving something he or she said at the training. The Committee believes that the Chairs of CBCs, and Town staff, and members of the quasi-judicial DRB and BCA CBCs should attend the trainings.

Motion to adjourn at 9:40 AM by Mr. Ashooh and seconded by Mr. Deming. Motion passed 4-0.

Respectfully submitted by Diana Vachon, Clerk of the Committee