

## **COUNCIL ON ETHICS**

### **Jan. 22, 2015 Minutes**

Minutes of the Special Meeting of the Council on Ethics held at the Wilton Library, Rimer Room, on January 22, 2015.

Present: Julianne Higgins, Andrew Mais, Virginia Benin

Public: Kevin Hickey, Gino Legaz

Chairman Higgins called the special meeting to order at 6:46 p.m. The position of secretary not yet having been filled, Vice Chair Mais took the minutes.

On motions duly made and seconded, the Agenda for the Special Meeting as filed with the Town Clerk's Office and published on the Town's website was unanimously adopted, and the Minutes of the Council's last meeting held on December 19, 2014 were approved.

Before Chairman Higgins moved to consideration of agenda items asking to consider requests to modify the Town Code of Ethics, Mais asked for information on the procedure for modifying the Code. Higgins stated that the Council cannot unilaterally effect an amendment, but can recommend an amendment to the Board of Selectmen for its consideration. According to the Town Charter, a taxpayer could also, if the Council chose not to recommend his or her proposal, secure the signatures of 2% of the Town's population, which would trigger a Special Town Meeting at which the proposal would be considered.

The Council then considered Kevin Hickey's request to amend the Code to include "A public official cannot make false and misleading statements in order to effect one's personal agenda." Hickey also provided documentation to the Council regarding a specific allegation. Mais objected, as there was no formal complaint before the Council that would allow it to review the material, and the other members of the Council agreed.

Hickey presented his proposed amendment and discussed it with the Council. While Council members applauded his involvement and the goal he sought to reach, they cited objections to the proposed change, including its being overly broad and difficult to interpret legally, and the ability to possibly use existing sections of the Code for a similar purpose. Mais pointed out that every other municipal ethics code he reviewed in advance of the meeting also requires, like Wilton's, a personal or financial interest for an actionable case, and why such a requirement is an important element of a conflict of interest provision. The Council declined to adopt the recommendation.

The Council then considered an amendment to the Code that would clarify the definition of a "full Council" as a quorum – three seats being filled and present – for the purposes of issuing Advisory Opinions. The amendment would allow the Council to issue advisory opinions even when not at a full statutory complement (five members). The Council modified this proposal so that it could only issue that advisory opinion if what would be a majority of a full complement (three members) voted in favor. The

following recommendation was adopted unanimously after a motion by the Chair, seconded by Benin, and shall be forwarded to the Board of Selectmen for its consideration:

Paragraph 3 shall now read as follows: "The Council may request further information from the person making the request. It shall issue its advisory opinion by majority vote of the Council, provided that the majority consists of at least three members eligible to vote. Such opinion shall be issued as soon as practicable. The opinion shall be in writing and delivered to the Town Clerk, who shall mail it to the person making the request. Advisory opinions shall be available to the public except as prohibited by law."

The Council next considered another amendment to the Code that would allow the Advisory Opinion process to be confidential, unless confidentiality were waived in writing by the requestor. After discussion among Council members, and a suggestion by Gino Legaz that the Council should move instead toward openness, the Council deferred consideration of the amendment to the next meeting, pending input from Town Counsel and possible review of how the State's ethics council handles the advisory opinion process. There did seem to be a consensus to move toward only allowing confidentiality when requested consistent with the restrictions in Connecticut's Freedom of Information Act.

The Council agreed to keep on its schedule March 24 at 7 p.m. as the date of its next meeting. The meeting then adjourned at 7:34 p.m.

Respectfully submitted

Andrew N. Mais

Vice Chair