

COUNCIL ON ETHICS

Minutes

of the January 16, 2008 Meeting held at the Church Complex, 36 New Canaan Road.

Present: Virginia Benin, Howard Friedman, Stephen Hudspeth, John Ingersoll, Peter Kaskell.

Stephen Hudspeth, Chair, opened the meeting at 8:15 a.m., and the agenda for the meeting was approved. The Chair reported that no Complaints or Advisory Opinions Requests have been filed to date under the Code. It is noted -- as previously unanimously resolved by the Council -- that no member of the Council should give oral advice to any person asking questions about the Code except to direct them to the relevant provisions of the Code, including the sample forms. All requests that require interpretation or rulings must be presented to the Council as a whole in writing for decision and action.

The Chair circulated a copy of a written opinion of Town Counsel, and the copy is attached to these Minutes as Exhibit A. The opinion was issued in response to the Chair's inquiry of Town Counsel following the last Council meeting as to the ability of the Board of Selectmen (and hence the Council) to pass on the ethical conduct of P&Z Board members, whether elected or appointed. The opinion confirms that ability as provided in the Town Code of Ethics, and the logic of that opinion extends to all Town Boards and their members, whether elected or appointed. Therefore, no further Council action is required on this subject.

The Chair then circulated a copy of a proposed resolution for adoption by the Council and an explanation of the same, both of which were drafted by the Chair and Vice-Chair of the Council. They are attached to these Minutes as Exhibit B. The proposed resolution contains an amendment to the definition of "Employee" found in Section B-1 of the Town Code of Ethics. The amendment consists of an exemption to that definition that excludes unionized employees from coverage under the Town Code of Ethics if, and only if, two conditions are met. These two conditions are (1) that the Town Board or department that supervises the unionized employees has a code of conduct in place which is at least as strict in its substantive provisions as the Town Code of Ethics, and (2) that there is a process under that code whereby citizens can file complaints and have their complaints adjudicated. If both of these two conditions are not met, then the unionized employee remains covered by the Town Code of Ethics. The proposed amendment would apply only to unionized Town employees and not to non-unionized Town employees or to Town Board members. Following full discussion and after motions were duly made by Virginia Benin and seconded, **the Council voted unanimously to recommend to the Board of Selectmen pursuant to Section C-12 of the Town Code of Ethics adoption of the resolution containing the proposed amendment as presented with its explanatory sheet, all as set forth on Exhibit B, and directed the Chair to send Exhibit B to the First Selectman.**

It was unanimously resolved that the next scheduled meeting of the Council shall take place in the fall of 2008 on a date to be selected at that time by the members of the Council. There being no further business, on motion duly made the meeting was adjourned at 9:15 a.m.

Dated: January 18, 2008

Respectfully submitted,
Stephen Hudspeth, Chair