

**Durham Ethics Committee**  
**DRAFT Meeting Minutes, September 6, 2007**

**Present:** Robert Horn, Bob Fulton, Pat Kupcho, Kathleen McTigue, Lisa Stafford  
**Absent:** Matthew Reed, David Montgomery

**I. Minutes** from the Committee's last meeting of August 30<sup>th</sup> were revised slightly for grammatical clarity and were accepted unanimously.

**II. Further consideration of the ordinance**

Bob Fulton presented the written responses and suggestions to his draft ordinance (presented to this committee last week) received from Town Counsel Chuck Andrews. The Committee considered and approved Mr. Andrews's recommendations as follows:

**III. Statement of Purpose:** Town Counsel suggests that the Statement of Purpose approved by this Committee last week is more properly the work of the Ethics Commission, once it is appointed. After discussion Committee members concurred, and accepted the following substitute language:

"Pursuant to Section 6.21 of the Charter of the Town of Durham (as revised 11-8-06), an Ethics Commission is hereby established." *Motion to eliminate the statement of purpose agreed to on August 30 and adopt the words underlined above. Moved by Robert Horn, seconded by Pat Kupcho, passed unanimously. **Motion passed.***

**IV. General Charge:**

The following specifics were considered individually from the draft document provided the Committee by Chuck Andrews. We considered, amended and approved all items; some of them remain as we agreed during our August 30<sup>th</sup> meeting; for convenience all items are numbered as in Mr. Andrews's document.

**A1)** The Commission shall propose standards of ethical conduct (Code of Ethics) for public officials, employees, contractors, subcontractors, consultants and members of boards, committees and commissions in the performance of their duties. Said code of ethics shall be transmitted to the Board of Selectmen for adoption as an ordinance in accordance with Section 4.5 of the Charter. *Moved by Robert Horn, seconded by Pat Kupcho, passed unanimously. **Motion passed.***

**A2)** The Commission shall establish rules of procedure for receiving and hearing complaints of violations of the Code of Ethics, the resolution thereof and reporting of its findings and recommendations as hereinafter set forth. In accordance with Conn. Gen. Stat. § 7-148h, the provisions of § 1-82a(a) through (e) of the Connecticut General Statutes (regarding confidentiality of complaints and investigations) shall apply to allegations of unethical conduct, investigations into such allegations of unethical conduct, and to findings of probable cause or no probable cause made by the Commission as a result of such investigations. The Commission may issue subpoenas or subpoenas duces

tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books documents, records and papers. *Moved by Lisa Stafford, seconded by Pat Kupcho, passed unanimously. **Motion passed.***

**A3).** The Commission shall render advisory opinions under its rules of procedure. In addition, the Commission may make recommendations for amendment to this ethics commission ordinance and for rules and regulations for adoption by town agencies. **No action necessary as this language is identical to that passed by our Committee August 30.**

**A4).** Allegations of criminal misconduct or violations of the state penal code shall be referred to the appropriate law enforcement authorities or state attorney's office upon receipt by the Commission. *Moved by Pat Kupcho, seconded by Robert Horn, passed unanimously. **Motion passed.***

**A5)** The Commission shall be responsible for disseminating and explaining the ethical standards that it develops to those individuals and others who must comply with such standards. *Moved by Kathleen McTigue, seconded by Pat Kupcho, passed unanimously. **Motion passed.***

#### **IV. Administrative Provisions**

For convenience all items are numbered as in Mr. Andrews's document. However, **numbers B1 through B5 remain as passed by this Committee August 30 and no further discussion or vote was necessary.**

**B1. Composition and Appointment:** The Ethics Commission shall be composed of five regular members, electors of the town, who are known for their personal integrity. The Commission members shall be appointed by unanimous vote of the Board of Selectmen. No more than two members shall be from any one party. Two alternate members shall also be appointed unanimously, and may not be members of the same party.

**B2. Exclusions:** No member of the Commission may be a current elected official, town employee, current contractor, subcontractor or consultant with the town. No Commission member shall be a current member of any party's Town Committee.

**B3. Term Limits:** Members shall serve for three years and shall be eligible for no more than two consecutive terms. To establish rotation, initial appointments shall be: two members for three years, two members for two years and one member for one year. Initial appointments for the alternates shall be one alternate for three years and one alternate for two years.

**B4. Filling Vacancies:** Any vacancy which occurs among the regular Commission members shall be filled by one of the alternate members, who shall be appointed by the Board of Selectmen within thirty days and will serve until the end of the regular

member's term. The Board of Selectmen shall fill the newly vacant alternate position within sixty days, under the provisions of C#1.

**B5. Compensation:** Members of the Commission shall serve without compensation for their services.

**B6. Access To Independent Counsel:** The Commission shall have access to legal counsel independent of Town Counsel in those circumstances where, in its sole discretion, it deems such independent counsel necessary and appropriate. *Moved by Pat Kupcho, seconded by Lisa Stafford, passed unanimously.* **Motion passed.**

**B7. Reporting and Disposition:** Except as required by law to preserve rights of confidentiality, the Commission shall report to the Board of Selectmen its findings as to whether or not a violation of the Code of Ethics has occurred, together with recommendations as to the disposition to be made. The Board of Selectmen shall thereupon take such action as it may deem appropriate. In addition, the Commission may make public its findings with such deletions as may be necessary in its discretion and as required by law. *Moved by Kathleen McTigue, seconded by Robert Horn, passed unanimously.* **Motion passed.**

**B8. Public Record:** Except as required by law to preserve rights of confidentiality, all opinions, findings and recommendations of the Commission, which are matters of public record, shall be kept on file in the office of the Town Clerk. *Moved by Lisa Stafford, seconded by Pat Kupcho, passed unanimously.* **Motion passed.**

**B9. Conflict With Statutory Provisions:** Should any provision of this Ordinance or the Code of Ethics conflict with any provision of the Connecticut General Statutes, the provisions of the latter shall prevail. *Moved by Robert Horn, seconded by Kathleen McTigue, passed unanimously.* **Motion passed.**

**V.** Chairman Bob Fulton will create our draft ordinance, based on the decisions reached at all three of our committee meetings and summarized in these minutes. He will send this draft to Town Counsel for any further suggestions or revisions and will bring it to our next meeting for final approval.

**VI. Next meeting:** Wednesday, September 12, 6:00pm, pending receipt of the final draft from the town attorney. The single agenda item is consideration of the draft of the final Ethics Ordinance.