

DRAFT MINUTES
DURHAM ETHICS COMMISSION
SPECIAL MEETING
August 11, 2009

I. Meeting was called to order by Bob Fulton at 7:00 and the roll was called. **Present:** Bob Fulton, Ellen Piotrowski, Margie Stahl and ~~alternate~~-Linda Maffei. **Absent:** Bruce Chaplin, Pat Kupcho and Dave Adams.

II. Agenda: Linda Maffei motioned to approve, Ellen seconded, unanimously approved.

III. Minutes of the July 7, 2009 meeting were motioned to approve by Ellen Piotrowski and seconded by Linda Maffei, unanimously approved.

IV. Public Comment: No members of the public were present.

V. Discussion of the proposed draft Code of Ethics for Durham draft dated 7/26/09:

- A. Bob Fulton reviewed sections of the draft discussed with the attorney, Duncan Forsythe. Referencing section 6.21 of the charter, and [divisionPart III, Chapter 2, Article III, Division IV of the Town Code of Ordinances](#) section 2 – 121 covers those persons required by the ordinance and charter. More specific language with respect to “Independent Contractor” was discussed and changes were recommended.
- B. Atty. Forsythe made some recommendations for changes in wording for Section 2, Definitions, in the Code. Section 3, VII, Representation of private interests, does not include a definition of “private interest”. A call has been placed to Atty. Forsythe to determine whether or not this needs clarification. The Commission decided to leave the wording as is.
- C. Section 3, IV pertaining to the disclosure of confidential information was discussed.
- D. Typo under Section 5. 5D, discussion of whether the last sentence is clear.
- E. Section 6, Determining Probable Cause: Commission discussed giving 30 days to meet to determine probable cause following the respondent’s reply to the complaint.
- F. Page 6: all numerals noted as numerals, not words.
- G. Determination of probable cause made by affirmative vote of three members.
- H. Section 7: Within 15 business days the Commission will deliberate and vote upon the complaint.
- I. Section 8: Clarify with attorney whether a redacted copy of the findings needs to be presented to both Town Clerk and Selectmen pursuant to FOIA. Based upon ordinance, both should receive redacted findings.

- J. **Distribution:** now that the Code has been determined to be extended to contractors, subcontractors, etc., should this be distributed to these persons? ~~This is a matter that will ultimately need to be decided by the Selectmen, insofar that their contracts may be rewritten to include reference to the Code, but at this time such independent contractors to the Town are not bound to the Code.~~
- K. A motion to approve the changes described above and move to forward a finalized draft of the Code of Ethics to the Board of Selectmen was made by Ellen and seconded by Linda. The motion was unanimously affirmed.
- L. Margie Stahl will attempt to draft the various form letters that will be required to implement the processes outlined in the Code.

The meeting was adjourned at 8:20 PM by a motion made by Linda Maffei and seconded by Ellen and approved by unanimous vote.

~~DURHAM ETHICS COMMISSION
SPECIAL MEETING NOTICE
TUESDAY, JULY 7, 2009, 7:00 P.M.
DURHAM PUBLIC LIBRARY
CHILDRENS DOWNSTAIRS ACTIVITY ROOM~~

AGENDA

- ~~1. Call to order and roll call~~
- ~~2. Approval of Ethics Commission meeting minutes of May 5, 2009 and June 22, 2009~~
- ~~3. Election of Officers June 2009/May 2010 Commission Year~~
- ~~4. Public Comment~~
- ~~5. Discussion of Durham Code of Ethics and approval of a draft to forward to the Town Attorney for technical review and comment~~
- ~~6. Adjourn~~