

Durham Ethics Commission
DRAFT Meeting Minutes, December 28, 2009

I. Meeting was called to order by Bob Fulton, Chairman, at 7:02 PM and the roll was called. **Present:** Commission members: Bob Fulton, Ellen Piotrowski, Jen Fowler.
Absent: David Adams, Bruce Chaplin, Margie Stahl and Linda Maffei.

Meeting Minutes: taken by Ellen Piotrowski in Margie Stahl's absence.

II. Agenda accepted unanimously (as attached) on motion made by Jen Fowler and seconded by Ellen Piotrowski.

III. Minutes from November 23 were unanimously accepted, on a motion made by Jen Fowler and seconded by Ellen Piotrowski. Bob had several clarifications:

Item 4: Correcting the date of the joint BOS session. the date for this meeting is January 13, 2010 from 7-9 PM in the Town Hall. This is a special BOS meeting not a town or public meeting.

4th Bullet Par 4: add the words ...'by contractors'... after the word Code

pg 2 Item 6 Par 5: specify the budget period of July 1, 2010 through June 30, 2011.

IV. Public comments – no members of the public were present.

V. Ethics Commission Items discussed:

The Commission members present reviewed the draft Complaint Petition form and Advisory Opinion form. Based on this review the 'Request for Advisory Opinion' form had minor typographical changes. The 'Complaint Petition' form will require further clarification by the attorney under NOTE: item 5. Bob will follow up with the attorney on this.

Pending these revisions, Ellen Piotrowski made a motion to accept the forms (including these changes) and Jen Fowler seconded. The motion was adopted unanimously.

Ellen Piotrowski reviewed the complaint tracking spreadsheet. There were minor changes requested. The tracking sheet will be revised and forwarded to the commission members prior to the next monthly meeting. Ellen will also mock up a complaint/advisory opinion checklist that will act as a control point for all required

documentation coming in and going out on a case/opinion. This will also be forwarded to the commission members prior to the next meeting.

Since Margie Stahl was absent, it was decided to put off reviewing the letters she had drafted. These will be an agenda item at the next meeting.

VI. Request for Advisory Opinion: Discussion/review of a request for advisory opinion was tabled until after the February 1, 2010 effective date of the Durham Code of Ethics. Bob will follow up with the appropriate parties, notifying them of the new form to use to request the advisory opinion and the request to wait until after the Code is in effect. Ellen Piotrowski made a motion to table this discussion and Jen Fowler seconded. The motion was unanimously approved.

VII. 2010 Meeting Date Conflicts: Due to a scheduling conflict for the first 6 months of 2010, the monthly DEC meetings for January through June, 2010 have been rescheduled to the last Wednesday of each month. The dates are: January 27, February 24, March 31, April, 28, May 26 and June 30. Meetings to be held in the Activities Room at the library. Bob will coordinate these changes with the necessary people. Ellen Piotrowski made a motion to accept these changes and Jen Fowler seconded. The motion was unanimously approved.

VIII. FOI Discussion Bob Fulton had discussions with Tom Hennick from the State FOI Commission related to Durham Code of Ethics Sect 5 B on executive session as it relates to CT Gen Statute Sec. 1-82a Par (b).

There seems to be a statutory conflict between FOI provisions regarding allowable "Executive Session" meetings and the confidentiality provisions of CGS section 1-82a..with respect to probable cause determinations by municipal ethics commissions.

The FOIC has informally recommended to Bob that probable cause determinations be noticed that prior to a regularly scheduled DEC meeting of xxx date, the commission will review complaints under the provisions of CGS section 1-82a.(which require these reviews to be confidential unless waived by the respondent).

Bob will follow up on this point with the town attorney he has been dealing with during the drafting of the Code.

IX. Old Business Bob Fulton emailed the DEC 7/1/2010---6/30/2011 budget to Town Hall on 12/28/09.

X. New Business At the BOS Special meeting on January 13, 2010, there will be 30 minutes available to the DEC to discuss the Code of Ethics. All members of the DEC are asked to attend. A general overview of Section 3, Standards of Ethical Conduct and Section 9, Advisory Opinions will be presented by the DEC. All commission and department members throughout the town are invited to this meeting.

XI. Meeting was adjourned at 7:54 on a motion made by Ellen Piotrowski seconded by Jen Fowler and passed unanimously.

DURHAM ETHICS COMMISSION

MEETING NOTICE

7:00 P.M., MONDAY DECEMBER 28, 2009
ACTIVITY ROOM, DURHAM PUBLIC LIBRARY

AGENDA

1. Call to order and roll call
2. Approval of the agenda
3. Approval of Ethics Commission meeting minutes of November 23, 2009
4. Public comment
5. Discussion of Durham Ethics Commission matters
6. Discussion of Advisory Opinion request
7. Review dates for 2010 Commission meetings
8. FOI discussion
9. Old Business