

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 Linda Maffei. **Absent:** Bruce Chaplin, Pat Kupcho and Dave Adams.

II. Agenda: Linda Maffei motioned to approve, Ellen Piotrowski 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 Part 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?**
- 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 **Piotrowski** and approved by unanimous vote.