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BOARD OF ETHICS PUBLIC MEETING MINUTES NOVEMBER 10th, 2009

Chairman Debra Jelly called a Board of Ethics meeting to order at 6:29 PM in the upper conference room of the New Durham Town Hall located off Main Street.

Present:

Debra Jelly, Chairman	Marcia Clark
Barbara Hunter, Vice-Chairman	Skip Fadden
Jan Bell	

Absent Due to Prior Commitment:

April Whittaker, Recording Secretary

Approval of Minutes

Motion Fadden, second Clark, to accept the Minutes of October 13th, 2009, as written; vote unanimous.

OLD BUSINESS

Mock Case/Procedures for Requests

As a result of the mock case involving Peter Perfect, Chairman Jelly noted that board members had seen a need for a set of procedural guidelines for reviewing a request. Chair Jelly confirmed that she and Vice-Chair Hunter had met with Mrs. Whittaker, as directed by the board, to compile a checklist for use by the BOE to conduct interpretation requests or inquiries. Board members then proceeded to review, discuss, and revise the checklist draft. The discussion turned to the “Right to Know” law and how it pertains to public servants and employees, as well as both elected and appointed officials. There also was some discussion about non-public sessions with regard to requests and complaints. Feeling a need for further clarity, board members agreed to postpone final discussion and revision of the checklist until the December meeting.

Chair Jelly also pointed out the lack of a formal procedure for submitting interpretation requests and questioned whether this might discourage individuals from filing altogether. In discussing the matter, members recalled the original rationale to keep the request process simple and agreed not to compile a submittal form at this time.

Submittal Process for Requests and Complaints

The discussion then focused on the related issue of how and when requests and complaints are acted upon, raising several important questions:

*To whom should requests and complaints be submitted – the BOE Chairman, BOE as a whole, or the Town Administrator?

*Who is authorized to open the envelope if marked, according to the Rules of Procedure for complaints, “CONFIDENTIAL – For the Attention of the Board of Ethics”? Here, Chair Jelly pointed out that she is only one member of the BOE. Bell commented that the BOE must be very careful to act in such a manner as to not breach the public’s trust.

*How time sensitive are requests and complaints? Can they wait for the next BOE meeting or do they require the BOE Chair to call special meetings?

*If a request or inquiry happens to name an individual, how should the BOE proceed?

*What exactly is Mrs. Whittaker’s role as Recording Secretary given that she also is the Town Administrator?

*How might public perception of the BOE change if the confidential aspect for submitting requests and complaints were to change?

*What steps should the BOE take to educate people on how to proceed with a request or complaint, as well as help them become familiar with both the Ethics Ordinance and BOE Rules of Procedure? It was agreed that an employee handbook could play a role but the existence of such needs to be confirmed by Mrs. Whittaker.

After a lengthy discussion, board members agreed that some gray areas exist and that clarification by Mrs. Whittaker would be beneficial. To prepare the BOE to further address these concerns, Chair Jelly strongly urged members to reread all the documents prior to the December meeting.

Monetary Value of Gifts

A short discussion followed about the monetary limit of discounts and gifts given to town officials, board members, and town employees. Chair Jelly noted that the State of New Hampshire has a \$25 limit, and Clark suggested a sum of \$20. Motion Fadden, second Hunter, to table the discussion until the December meeting so that additional research could help members form an educated guesstimate.

BOE Spring Presentation

As the next step in preparing a spring presentation by the BOE to keep board members and town employees educated on the Ethics Ordinance, Fadden made a brief PowerPoint demonstration. He presented a possible framework and some preliminary content items for future consideration and discussion. To add a human element, he suggested the possibility of narrations by townspeople. Another idea discussed was featuring the presentation on the town website to facilitate public viewing and promote widespread education.

Schedule Next Meeting

The next meeting was scheduled for Tuesday, December 8th, 2009, at 6:30 PM at the New Durham Town Hall.

Adjournment

Motion Bell, second Clark, to adjourn at 8:43 PM; vote unanimous.

*Respectfully submitted,
Jan Bell, Acting Recording Secretary*