

Approved: June 14, 2010

ETHICS POLICY REVISION COMMITTEE

PUBLIC MEETING MINUTES

May 10, 2011

The meeting was called at 7:00PM in the New Durham Public Library by Dot Veisel, Chair.

Present: Mike Gelinias, Dot Veisel, Stephanie MacKenzie, Barbara Hunter

Membership: Katie Woods our employee representative on the committee has stepped down, Stephanie MacKenzie is her replacement. Although she has taken and signed the oath of office but not formally appointed by Cecile Chase, Town Moderator, she will be participating but not voting at this meeting.

Approval of minutes: Chair Veisel moved for the review, additions, and omissions in the minutes of April 26, 2011. There being none, she asked for a motion to approve the minutes. Motion: Gelinias. Second: Veisel. Vote: unanimously approved.

Business: Policy review from the beginning since the articles from the 2011 Town Warrant agreed upon are now included.

Chair Veisel emphasized that our revisions each meeting represent another draft as this is an ongoing 'work in progress' meaning that subsequent revisions will continue to be revisited as members wish till it is adopted.

- **PURPOSE** – no changes.
- **I. DEFINITION**
 - **Appearance** – Tabled to fit the definition to the intent in the final document.
 - **Board** – MacKenzie commented that there are “boards” as defined that are not established by the Board of Selectmen. Change to remove “established by the Board of Selectmen” and add “elected or appointed by governing bodies” under New Hampshire law.
 - **Conflict of Interest** – Gelinias suggested adding “The situation, circumstance, or financial interest must be immediate, definite and capable of demonstration; not remote, uncertain, contingent, and speculative.” His reasoning is that it gives a definite description of the standard that is expected. Motion to add the sentence “The situation . . .”: Gelinias. Second: Veisel. Vote: all in favor.
 - **Employee** – no change.
 - **Family** - Tabled to fit the definition to the intent in the final document.
 - **Firm** - Tabled to fit the definition to the intent in the final document.
 - **Interest** – Issue raised that this refers to financial but how about other forms of “interest”? Tabled to fit the definition to the intent in the final document.
 - **Misuse** - Tabled to fit the definition to the intent in the final document.

- **Nepotism** – Hunter suggested “Favoritism shown to a family member by a public servant while in his or her official capacity.” Tabled to fit the definition to the intent in the final document. Discussion followed regarding various examples of town operations that should be kept in mind when the provision of nepotism is addressed in the future.
- **Pecuniary** – no change.
- **Official** – no change.
- **Official Authority** – no change.
- **Principals** - Tabled to fit the definition to the intent in the final document.
- **Public Servant** – no change.
- **Recuse** – no change.
- **Resident** – Discussion emphasized the need to be all inclusive. To accomplish that, the definition was changed to “A person whose legal address is in the Town of New Durham” and the term **Taxpayer** added.
- **Taxpayer** – A person or firm who is subject to taxation by the Town of New Durham.
- **Town** – no change.

Chair Veisel reminded us that during the last meeting, Katie Woods brought up the issue of how to deal with a complaint against a selectman. It will be addressed during the complaint section.

- **SECTION II CODE PROVISIONS A. No Conflicts of Interest — Specific Provisions**

- **(i)** - no change.
- **(ii)** - Hunter asked, why do we want to lower the standard from the original document by not including close personal friend, or family member in this provision and limiting it only to clients? Members agreed that they should be included. Hunter suggested that the following replace the first paragraph:

Any public servant who is elected or appointed to a governmental body as a regular or alternate member who wishes to appear on behalf of a client, personal friend, or family member, shall publicly disclose the nature and extent of that interest and disqualify him or herself before advising, deliberating, representing that someone and/or voting on the matter involved.

The committee revised the two condition statements to read:

- a. A written public disclosure of the member’s conflict of interest or relationship with an explanation of the representation is provided to the Board and included in the minutes.
- b. The member, when representing a client, shall step down from the Board after first publicly declaring his or her reason for stepping down.

MacKenzie brought up the problem when because of someone’s business, they are forever stepping down causing a lack of a quorum. There should be some way for a board to take that into consideration. Discussion included having alternates and balancing expertise on boards.

Gelinas motioned to replace the first paragraph with Hunter's suggestion and make the changes to the two condition statements as above. Second: Hunter.

Hunter made an amendment to the second condition to be in line with the first paragraph by adding "close personal friend, or family member" after client. Second: Gelinas. Vote: all in favor.

The original motion with the amendment vote was all in favor.

- **(iii)** Chair Veisel suggested that the procedure of disclosing be uniform prior to recusal. To do that the last sentence should read, "In such instances, the public servant shall **disclose the nature of the conflict** and recuse him or herself from discussion and decision-making." Motion to make that change: Gelinas. Second: Hunter. Vote: all in favor.
- **(iv)** no change.
- **(v)** no change.
- **(vi)** no change.
- **(vii)** Because it didn't make sense, Hunter motioned to remove the word paragraph and replace it with the word provision. Second: Gelinas. Vote: all in favor.
- **(viii)** Chair Veisel suggested that we add the term electioneer to definitions; if interested, members should bring their suggestions to the next meeting. Hunter suggested for continuity to replace "public employee, official, or board member" with "public servant." Motion to accept the change: Gelinas. Second: Veisel. Vote: all in favor.
- **(ix)** no change.

Next meeting agenda: Quickly review changes made so far, review Section II from B through J, and consider adding and defining electioneer to the definitions.

Members brought up several issues that will need to be addressed during the complaints section review, e.g. the procedure should there be a complaint involving a selectman when an ethics board reports to the Board of Selectmen.

Next Meeting: Monday, May 23 from 7:00-9:00PM. Chair, Veisel hopes to reserve the library.

Adjournment: Motion: Hunter. Second: Gelinas. Vote: unanimously in favor. Adjourned at 9:12 PM.

Respectfully submitted,

Barbara Hunter, Secretary