

**Approved:** September 13, 2011

## **ETHICS POLICY REVISION COMMITTEE**

### **PUBLIC MEETING MINUTES**

**August 23, 2011**

The meeting was called at 7:03 PM in the New Durham Town Hall by Dot Veisel, Chair.

**Present:** Carol Allen, Mike Gelinias, Dot Veisel, Barbara Hunter

**Also Present:** Mary McHale

**Approval of minutes:** Chair Veisel moved for the review, additions, and omissions in the minutes of August 9, 2011. There being none, motion to approve: Hunter. Second: Allen. Vote: unanimously approved.

#### **Business:**

Chair Veisel distributed copies of ethics codes from Rindge and Gilford New Hampshire. Also, Dot will email the link to Dover's policy to the committee when her computer is up and running.

Chair Veisel referred the committee to the Rindge document section on inquires addressing a process. Hunter noted that in the section on formation of the ethics committee that purpose is also addressed. Discussion followed including the process including an executive session to first review an inquiry or alleged violation.

Allen asked about the process to educate public servants about the ethics policy. Chair Veisel stated that all public servants receive a copy and sign to that effect. Hunter stated that the Board of Ethics had been developing a PowerPoint presentation to yearly meet with officials, boards and committees and employees. As of the change made in Town Meeting that is now on hold.

Chair Veisel asked how we should proceed, work on the complaints section or the role of the committee. It was decided to establish the role of the committee then deal with the process. She asked members to weigh in on how they feel about the five roles of the Board of Ethics as outlined on page 2 in the August 9 minutes. Gelinias felt there is a need to have a process, especially a non-public review to protect respondents' reputations as stated in the Rindge code. The Selectmen should be involved in the hearing and there should be one not two. He is in favor of roles 1-4 but if the board wants to do something on 5 he is willing to discuss it and basically can take or leave it. Hunter agrees with 1-4 and feels there must be some process for a resolution. She is uncertain what that might look like at this time.

Chair Veisel said perhaps the BOE could resolve that the complaint has merit and then recommend to the BOS that they should hear and resolve it or that the complainant bring it before the BOS. She also asked

about the possibility that after the sounding board phase the complainant decides to withdraw the complaint, does the BOE have a responsibility to bring it forward anyway. Chair Veisel asked what if it is withdrawn and the BOE has information that should be reported? It was noted that if something is unethical or criminal, Town counsel would be sought and referred to proper channels. Allen felt if it is resolved at the sounding phase that would be a good outcome.

Allen feels confidentiality is important and likes the idea that the ethics committee would accompany any party to the hearing with the BOS should that be desired. She is okay with the roles as written 1-5. Veisel is okay with 1-5 noting that initially she felt it should just screen complaints but now sees that the BOE could hold joint hearings with the BOS should any party wish.

Mary McHale, as member of the public, stated that she likes the role of the sounding board and that the complaint can be dropped should someone decide to do so. Also should something be considered illegal, counsel will be sought. She commented that we need to have the BOE as a stepping stone to the BOS.

Questions surfaced about requirements for public and non-public sessions as well as the need to better understand the Right to Know Law.

Gelinas suggested that a section be added before Section IV Complaints called FORMATION of ETHICS COMMITTEE and pull the first paragraph from Section IV Complaints to the new section. He asked if we want to exclude public servants from the board. Discussion followed as to the pluses and minuses of including them. Consensus was reached that public servants will not serve and as to the five roles of the committee. The new section will read:

#### SECTION IV. FORMATION of ETHICS COMMITTEE

The Board of Selectmen shall appoint a committee of no more than 5 nor less than 3 persons, with staggered terms, such committee will be named Ethics Committee.

Appointees shall be residents of the Town of New Durham. No public servant shall serve on the committee.

The Town of New Durham will establish an Ethics Committee to:

1. Educate public servants regarding the provisions of the Ethics Policy guidelines.
2. Provide advice and counsel regarding ethical issues.
3. Hear complaints and provide a process toward a resolution.

Chair Veisel worked with the committee to list issues identified to date to bring to Town counsel for his review. They include:

- Section II Provisions (ii); is it legal to require such?
- Section III Exclusions number 2, interpretation as to its meaning.

- A copy of the Ethics Policy (WIP) of the changes including those decided at this meeting with the exclusion of the complaints section.
- Does he have suggestions as to how to deal with complaints?
- Does the Ethics Policy Revision Committee have the power to adopt the Ethics Policy or should it be on the warrant at the Town Meeting for adoption?

Chair Veisel will prepare the above and submit it to Town counsel as soon as possible.

It was noted that (b) in Section II H. Nepotism, the underlined changes should be made to now read:

- Employees: The procedure as defined in the New Durham Personnel Policy.

Chair Veisel said that after our work is completed on the policy, it will be sent for a final review by Town counsel. After the review a public hearing will be held after the required 10 day posting.

When the complaints section is reviewed it was decided to include the procedures for what can be public or needs to be dealt with in non-public session and how the minutes should be prepared.

Gelinas suggested that the inquiries section from the Rindge code be included in our policy. There was consensus to add the following after section IV:

#### SECTION V. INQUIRIES

The Ethics Committee shall establish a mechanism by which public servants and residents of the Town of New Durham may obtain advice and counsel from the committee regarding ethical issues that may arise from time to time.

Upon request the Ethics Committee shall issue a written advisory opinion in response to such an inquiry.

**Next Meeting:** Tuesday, September 13, 2011 at 7:00 in the Town Hall.

**Adjournment:** Motion – Allen, second – Hunter. Vote unanimously in favor. Adjourned at 9:08 PM.

Respectfully submitted,

Barbara Hunter, Secretary

A video recording of this meeting is on file with the Office of Town Clerk, is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.