



Special Code of Ethics Revision Committee – Board of Representatives

Benjamin Lee, Chair

J.R. McMullen, Vice Chair

Committee Report

Date: Wednesday, September 1, 2021

Time: 7:00 p.m.

Place: *This meeting was held remotely.*

The Code of Ethics Revision Committee will meet as indicated above. In attendance were Chair Lee, Vice Chair McMullen and Committee Member Reps. Curtis, Fedeli, Miller, Morson, Sherwood, Stella and Zelinsky. Also present were Reps. de la Cruz and Pavia; and Kathryn Emmett and Michael Toma, Law Department. Rep. McMullen left the meeting at 7:30 p.m.

Chair Lee called the meeting to order at 7:02 p.m.

Item No.	Description	Committee Action
1. COE30.005	<p>ORDINANCE <u>for public hearing and final adoption</u>; Amending Chapter 19 of the Code of Ordinances, Code of Ethics</p> <p>08/05/20 – Submitted by Rep. Lee 09/01/20 – Held by Committee, as amended, 9-0-0 09/23/20 – Held by Committee, as amended, 9-0-0 10/27/20 – Held by Committee, as amended, 8-0-0 12/01/20 – Held by Committee, as amended, 9-0-0 12/21/20 – Held by Committee, as amended, 9-0-0 02/04/21 – Held by Committee, as amended, 9-0-0 02/18/21 – Held by Committee, as amended, 9-0-0 04/08/21 – Held by Committee, as amended, 9-0-0 06/02/21 – Held by Committee, 9-0-0 06/17/21 – Held by Committee, 7-0-0 07/19/21 – Approved by Committee, as amended, 9-0-0</p>	Held 6-2-0

Chair Lee opened the public hearing. Daniel Willey read into the record the [attached statement](#), which he had previously submitted to the Board office, as follows:

Well you're very kind, thank you, good evening to everyone, as it was said, is my name is Daniel Willie I live in Stamford we've been a resident of Stamford for 20 years since 2001 we relocated here from wethersfield Connecticut to Stamford.

Currently, I serve as a independent director for a series of mutual funds prior to that I was the chief compliance officer for the United Nations joint staff pension fund, and before that I had a number of executive roles in the financial services industry.

I do want to say thank you to everyone who participated and are thoughtfully working to amend the City of Stamford's Code of Ethics. What you have done is an improvement. The Code of Ethics is a critical document as it speaks to accountability between the public and city officials. It also gives city employees and elected officials the roadmap they need to ensure they operate in a proper manner. All of which will lead to the trust of our community.

After reading the proposed ordinance amending the Code of Ethics, following are my questions and observations. Thank you for taking the time to consider them and I'm readily available to discuss them if you like.

My first thought here is that a four-year gap in "follow-up" ethics training appears to be too long. City employees and elected officials should be highly sensitized to ethical behavior and requirements. The suggestion here is that it be done on an annual basis for all city and elected officials including a renewal of their certification. Timely communication and reminders are key.

And then within the ethics certification and training, is there a signed acknowledgment (annual is recommended) by the city employee or elected official that they have received, read, understand, and will abide by the Code of Ethics?

Going forward, what does the ethics training program look like for city employees and elected officials? If it is only done only on-line where someone could simply click through the training, then it might be better done in person.

And within this, does the Board of Ethics work with the Director of Human Resources in preparing and overseeing the City's Ethics Training Program? Where is the oversight to ensure that the program is being properly administered?

In reviewing the document I saw that for new city employees or elected officials – ethics training "shall be required promptly following the official appointment..." The thought here is that this should be better defined. Within 30 days? Maybe 60 days? This would help to emphasize the importance of ethical behavior to all new hires or elected officials.

Should the Code of Ethics speak to social media? What someone may or may not say regarding their employment or service with the City of Stamford? For example, an employee should not speak on social media about a purchase acquisition they are negotiating for the City. Or they should not speak about an HR matter. Maybe the Code of Ethics does speak to social media and I did not see this?

Should there be a set time as to when the Code of Ethics will be reviewed and amended as necessary? Every three years? Five years? This may be helpful in staying current and not having to go through substantive overhauls.

Within the Code, should there be a defined time frame as to when Board vacancies must be filled? So as to prevent long standing open vacancies which can hamper the Board's effectiveness and diversity of thought and input, should there be a finite amount of time that the mayor has to nominate someone to the Board of Ethics? If the mayor does not fill that vacancy within a defined time, that responsibility might then go elsewhere with a set deadline?

And then I was wrestling a little bit with the Connecticut statute on party restrictions.. Is it possible that this creates a roadblock in filling vacancies? For the Board of Ethics especially, party affiliation should never be a consideration in how it operates. Is there any way around this restriction?

And then My final observation or question was were any members of the Board of Ethics, current and / or past members, consulted when reviewing the Code of Ethics and in preparing the draft amendments?

Thank you for allowing me to take the time to read this. I think it clearly is a very important document i'm very respectful of the work and the time and consideration that you put into this, and thank you for that, and thank you for reading my comments and listening to my questions.

There being no further speakers, Chair Lee closed the public hearing at 7:10 p.m..

Ms. Emmett then reviewed with the committee [the concerns](#) she had previously provided regarding some of the language in the ordinance. Specifically:

- Including "non-monetary" in the definition of benefit in Section 19-3 makes the term "benefit" vague and other sections of the Code vague, possibly so vague as to be unenforceable. For example, if a BOR member gains votes or support from constituents by bringing an issue before the Board that concerns constituents in the member's district but not necessarily others in the City, would that be construed as a violation of the Code? Non-monetary benefits that are ethical violations should be categorized
- Using the term "unfairly" in Section 19-5 is vague and "creates a bucket into which virtually anything can be thrown"
- The wording of Section 19-4
- Certainly, this type of action by a BOR member should not be judged an ethical violation since it's at the core of being an e.A(8)(c) would make it a violation of the Code for any officer or employee's relative to work for the City, so this would create chaos
- The section on reciprocal favors in Section 19-5.B (2) would prohibit normal non unethical conduct, such as a member of the BOR working with other members of the BOR to support one item in exchange for support of another item.
- Having vague definitions would create confusion about what is and is not a violation

Committee members discussed whether or not to hold this item in order to determine how or whether to address the concerns raised by Ms. Emmett.

A motion to hold Item No. 1 was made, seconded and approved by a vote of 6-2-0 (Reps. Curtis, Miller, Morson, Sherwood, Stella and Zelinsky in favor; Reps. Lee and Fedeli opposed).

2. COE30.006 ORDINANCE for publication; Amending [Chapter 19](#) **Held 8-0-0**
of the Code of Ordinances, Code of Ethics, to Use
an External Arbitrator or Judge Referee rather than
an Investigating Committee to Determine Probable
Cause.
08/03/21 – Submitted by Rep. Sherwood

A motion to hold Item No. 1 was made, seconded and approved by unanimous voice vote of 8-0-0 (Reps. Lee, Curtis, Fedeli, Miller, Morson, Sherwood, Stella and Zelinsky in favor).

Chair Lee adjourned the meeting at 7:58 p.m.

Respectfully submitted,
Benjamin Lee, Chair

This meeting is on [video](#).