

Municipal Ethics Task Force

MEETING MINUTES

Monday, December 15, 2008

12:30 PM in Room 2A of the LOB

The meeting was called to order at 12:43 P.M. by Chairman, Rep. Spallone J. 036.

The following task force members were present:

Co-Chairs Slossberg G. S14; Spallone J. 036

Members Lawrence Kendzior; Gerald Weiner; Stephen Hudspeth;
 Hon. Robert Valentine

Absent were: Linda Smith-Criddle

Rep. Spallone welcomed the task force members in attendance and Sen. Slossberg noted that Linda Smith-Criddle was unable to attend due to a personal commitment.

Rep. Spallone referenced the task force's charge pursuant to PA 07-201 and discussed the October 31, 2006 Office of State Ethics report, which serves as the basis for any recommendations and/or proposals that will be made by the task force in its final report. Rep. Spallone suggested that the final report include information about the charge, what was done (including public hearings and presentations by the Connecticut Conference of Municipalities and the Office of State Ethics), and recommendations for future legislation.

Rep. Spallone turned to floor over to the Honorable Robert Valentine to begin discussion.

Hon. Valentine noted that any and all recommendations proposed by the task force must account the difference between the size of municipalities and the type of government and that "painting with a broad brush" could encumber many municipalities and force them to bear a burden that they do not want or are not prepared for. Hon. Valentine briefly discussed the potential role that the Office of State Ethics could play in developing an appellate process, but cautioned against any proposal that would require a significant fiscal commitment due to the state's budget constraints. Hon. Valentine concluded by noting that mandatory financial

disclosures for volunteers serving on local boards and commissions would be especially devastating for small town.

Gerald Weiner suggested that the task force should recommend that unless presently in place, each municipality adopt a “minimum” ethics code and develop an ethics commission to hear complaints. The minimum code would include provisions for conflict-of-interest and for financial disclosures, with an opt-out provision for smaller towns that demonstrate that their present process is both effective and prudent.

Stephen Hudspeth referenced an October 15, 2008 memo produced for the task force and noted that every municipality must adopt a code with minimum standards, join a regional ethics organization or submit to oversight by the Office of State Ethics. Hudspeth further specified that the final recommendations must (1) broadly define “municipalities;” (2) differentiate municipalities based on size; (3) incorporate stiffer penalties than those presently allowed by law; and (4) incorporate all “political subdivisions,” such as special taxing districts, fire districts and water authorities.

Lawrence Kendzior agreed that a model code or statement of principles should be developed and that each municipality be required to adopt same or something similar. He also agreed with Gerald Weiner in that a local ethics commission should be required and that they be granted the power to issue advisory opinions, hold probable cause hearings and have subpoena power. Kendzior closed by voicing opposition to financial disclosure requirements, noting that it would have a “chilling effect” on volunteers and further burden municipalities.

Senator Slossberg acknowledged that a “one-size-fits-all” approach is not possible and that obvious differences between towns, villages, special taxing districts, etc. further complicate our efforts. Sen. Slossberg also observed that Connecticut’s fiscal condition must be taken into account and that the task force must be vigilant of the peoples’ best interests. Sen. Slossberg concluded by suggesting that each municipality should be required to adopt an ethics code with basic provisions.

Representative Spallone agreed with others in that some protective mechanism is necessary and that the size and scope of the solution should differ based on the size of a given municipality. He further agreed that municipal ethics commissions should be granted the power to issue advisory opinions and that joining a regional organization would be sufficient for municipalities that did not want to draft and approve their own code and create an ethics commission to hear complaints.

Senator Slossberg suggested that the task force staff produce a draft memorandum based on the suggestions of the task force members for review. This suggestion was met with unanimous agreement.

Representative Spallone wanted to provide task force members the opportunity to comment on enforcement.

Hon. Valentine expressed that current statues addressing fines were sufficient, but suggested that the task force be ever mindful of superseding agreements, particularly with unions. Hon. Valentine also noted that any appeals process must be carefully crafted so as to not diminish or call into question the veracity and effort of the preceding body or authority.

Sen. Slossberg favored an “optional” approach for municipalities and noted that local ethics commissions could be granted subpoena or other investigative powers, conduct probable cause hearings and issue advisory opinions. Sen. Slossberg again cautioned the task force about the state’s fiscal condition and referenced the December 2, 2008 memo from the Office of State Ethics regarding enforcement mechanisms and the potential financial impact. Sen. Slossberg suggested, however, that the task force seriously consider mandatory ethics training for municipal officials and employees despite potential costs.

Stephen Hudspeth again referred to his October 15, 2008 memo (with revisions) and noted that the “adjudicatory body” should have access to legal counsel, subpoena power, the right to determine probable cause, issue advisory opinions and penalties, including dismissal from office, censure, and imposition of fines. Hudspeth further suggested that a simple financial disclosure form for every town official and employees; the form would include employer(s) and relevant positions, any real property owned within municipal limits (either jointly or individually), and any business doing business with the municipality in which they have an ownership interest of 10% or more.

Lawrence Kendzior suggested that the local ethics board should have the ability to refer matters to other enforcement bodies and should not have enforcement powers per se. Kendzior noted that appeals should be directed to Superior Court and not the Office of State Ethics and that ethics matters should not be subject to ballot initiative as it can be a costly burden for municipalities.

Representative Spallone said that municipalities should be presented with a variety of options, though every community must have a means of enforcement. Spallone further suggested regionalization as it would reduce potential costs and ensure neutrality, which can often be a deterrent for lodging a complaint in smaller communities for fear of retribution or harassment. Spallone agreed with others that the Office of State Ethics needs to have jurisdiction over appeals and that their role – as either a fact-finder or conducting a trial de novo – still remains outstanding. Spallone finished by noting that though the state faces difficult financial times, this report must present the best proposals and suggestions; leaving the ultimate legislative determination to the General Assembly.

Hon. Valentine asked if the summer survey conducted by the Connecticut Conference of Municipalities (CCM) inquired as to the present financial burden to municipalities. Kachina Walsh-Weaver, a senior legislative associate with CCM, confirmed that that issue was not considered and that she would request that the CCM research team query several municipalities of different sizes to determine what cost, if any, the municipality has expended due to local ethics complaints or relevant proceedings.

Stephen Hudspeth noted that union employees are generally exempted from local ethics codes and are instead bound to codes of conduct per their union contract. Hudspeth also expressed caution with regard to local autonomy and that any role for the Office of State Ethics might be viewed suspiciously and as potentially dangerous.

Representative Spallone suggested that the next meeting be in early January thereby providing task force staff an opportunity to produce a draft report. This suggestion met with universal approval.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 2:22 P.M.

Jared W. Kupiec

Task Force Administrator