

REP. SPALLONE: Good afternoon, everyone. Welcome to the Municipal Ethics Task Force meeting of February 20, 2009. I will -- I'm James Spallone, the Cochair of the task force, and my task force Cochair Senator Gayle Slossberg is unable to join us today. However, she has been able to submit her comments and suggestions on the draft report that we have and so we'll be proceeding with our -- we hope final action on our report -- the draft report, which has been circulated among the members of the task force, many of whom have submitted and shared comments and suggestions with each other via electronic mail over the last couple of days, which is extraordinarily helpful.

And as the Chair today, I suggest that we proceed in the following way, which I understand is the way that many of these task forces that issue reports here in this building do. What I think we ought to do is to entertain a motion to approve the report and then entertain a second to that and then proceed with the amendment process, if there are amendments. I have some amendments that have to do simply with style and so forth, and I might offer those to start to sort of get the ball rolling, if that's okay with the members. And we'll proceed that way.

I'd also like to note, for the record, that the distinguished Ranking Member from the House on the Government Administration Elections Committee is here observing our -- today. That's John Hetherington, and we're glad to have him here, since John will be working on whatever legislation that was sent to the GAE Committee.

It's also important to bear in mind that we are reporting our findings to the Government Administration Elections Committee, which has begun its work for the session. And has a -- what we in the building call a "JF," a joint favorable report deadline of March 30th. We'll have a public hearing on any kind of proposed legislation in the next couple of weeks and then we have to approve it at a meeting and then move it on to other committees. Like -- there are other committees that would have to look at whatever the final result is. So, with that said, are there any -- with that said, the Chair entertain a motion to approve the report of the Task Force on Municipal Ethics at this time.

MR. HUDSPETH: So moved.

REP. SPALLONE: Okay. It's moved by Mr. Hudspeth.

MS. SMITH-CRIDDLE: Second.

REP. SPALLONE: Seconded by Ms. --

MS. SMITH-CRIDDLE: Smith-Criddle.

REP. SPALLONE: -- Smith-Criddle. Thank you.

And at this time, we can open this up to further discussion. As I mentioned, I thought that just to get us loose in terms of the amendment process and get things going, I had a couple that I just flagged this morning as I was reading it for stylistic purposes.

If you aren't numbered -- let's start for page number purposes, the first page with text that states, "Charge," we'll make that page one and go on from there. So I'm just going to take a

moment to number my pages. It's nice and brief.

Page two, under "Findings," in the second full paragraph there seems to be a stray clause in the fourth line at the end, "By this." And I simply suggest that we strike the words "By this" and the comma, and capitalize "some." And that would be the only change there.

I don't know if we want to do this change by change -- I think I will, because sometimes they might touch on substantive matters. Any comment from counsel? If they're sort of a technical nature and you want to do them as one grouping of things, that might be -- that might help to expedite (inaudible). Let me try it, and we'll see if it works. And then when I'm finished with the amendment, then we can entertain some discussions.

So that was my first suggestion. On page three, under "Fiscal Concerns" on the third line, I would -- and this is, again, simply stylistic -- before the word "recession" I would like to insert the word "historic" because of the large proportions of what we're dealing with. And I'm not sure if we like to use the word "an" or "a" before "historic."

A VOICE: (Inaudible).

REP. SPALLONE: "An." Okay. Type that back in there.

It is? Thank you. I withdraw that then. It hasn't even been seconded, so I withdraw that. I missed that when I read this morning.

On the same page on the very first line of the page, the word "such" before "public service"

is extraneous and I would suggest striking that.

Okay. My next change was more substantive in nature, so I'm going to go to that next. So that would be my -- I would move to amend the report in those, I believe it was three -- three ways and would look for a second.

Okay. It's been moved and seconded. Any discussion?

A VOICE: Mr. Chairman, (inaudible). Perhaps offer one more stylistic change (inaudible).

REP. SPALLONE: No, we could do that. We could do that now if others have -- I probably shouldn't have moved as quickly as I did. But I suppose we can -- add further committee amendments. Correct?

A VOICE: (Inaudible).

REP. SPALLONE: Okay. Yes, go ahead.

A VOICE: (Inaudible) -- I think that would be better placed before the colon.

(End of audio file 1).

A VOICE: You might want to put it in front (inaudible) bullet point refers to one of the following three things, then ties on to the listing of one, two, three that you have. Or put it at the end --

(End of audio file 2).

REP. SPALLONE: -- that would also be my recommendation.

Okay. Just a quick word, I noticed that the microphone at the very end is on. And do we need to have them on for purposes of the record or anything? Or -- we're not on CT-N?

A VOICE: As a precaution I would prefer if we plan tape recording --

REP. SPALLONE: Okay.

A VOICE: -- for the record, for posterity. So I would appreciate it if we would turn on the microphone.

REP. SPALLONE: Okay. So please, I think that you guys might want to share -- Steve -- the one that is closer to Steve.

A VOICE: Should we just turn it on?

REP. SPALLONE: Yes. That's fine.

Okay. So do we have consensus then on how we want to proceed with that amendment then? And could restate it -- or does our attorney know what it is?

A VOICE: Yeah. I believe that the sentence the member pointed out should actually follow sentence that begins with "If a municipality," so it should actually appear at the end of that paragraph. "Any such enabling legislation or legislation proposed by the General Assembly," and then that's where it should be located.

REP. SPALLONE: Very good. If that's acceptable, I would add that. As the movant of the last motion, I would add that to my motion and ask if a seconder agrees to do so as well.

A VOICE: Absolutely.

REP. SPALLONE: Okay.

A VOICE: If you're entertaining two more stylistic things they're -- they're very minor.

REP. SPALLONE: Certainly.

A VOICE: On page four, the one bullet point that's found on that page under item E, third line down and the line begins "interest before the board or commission," instead of "that the public official serves on" I'd recommend saying, "in which the public official serves."

REP. SPALLONE: Uh-huh.

A VOICE: And two lines further down from that, the line begins with "official terminated their." I think it should be "his or her or service" and instead of "with," "on such board." It would just be "official terminated his or her service on such board."

REP. SPALLONE: Uh-huh.

I would add those to my motion and then ask if the seconder would do.

Any further -- we might find somebody with further minor -- minor amendments? Okay. The motion has been made and seconded. If there's any -- no further discussions? If there isn't, then I'd ask for a voice vote.

All those in favor, please signify by saying "aye."

VOICES: Aye.

REP. SPALLONE: Aye.

Any opposed?

No. The ayes have it. The amendment is adopted.

The next thing I wanted to address was on page five. And I think others have commented on this, so we can have our discussion now. At the very end of the bullet on page five states, "However," comma, "caution must be exercised before giving any such commission the authority to remove any person from office," period. "Generally," comma, "such authority should not be exercised," period, end quote. I would suggest respectfully that in the -- because the General Assembly has from time to time, including this year, taken up recall legislation or similar legislation, that we could consider -- that we consider being silent on the issue of removal of people from office. I've never actually -- most of the ethics legislation that I've seen here has dealt with fines, penalties, referral to the state's attorney, and I would like foster discussion on this before making any amendment. But my suggestion would be to -- to strike them, to strike those two sentences entirely. But I wanted to see -- because I know other members have opinions about this, and I'd like to hear what you have to say.

MR. VALENTINE: My suggestion on that, and I certainly concur with your thinking about it as a general point, it is found in item number four that Linda and I put together. It's the -- on that single page sheet where it says -- add the following that would go after -- after the words, "However, caution should be exercised before giving any ethics commission

the authority to remove any person from office. Generally, such authority should not be exercised." Then what we propose is adding the following, "by a municipal ethics commission, but only in the case of an appointed municipal official by the municipality's principal governance board or other body that made the appointment, or in the case of an elected official, by the official's impeachment or recall or by the use of other processes available for removal of an elected official from office. However, we further recommend that the local ethics commission should nevertheless have the power to recommend that such action be taken, as to either an elected official or an appointed official in the appropriate circumstances and after the commission has conducted a full hearing on the matter."

(Inaudible), Chairman, I'll just offer to our two witnesses -- so they don't have to hear this orally.

A VOICE: Good. Mr. Valentine, just a quick point on -- I mean, I generally agree, but I wonder whether or not that's something that might be included in an ethics code within a municipality. So that anything that the legislature puts together in way of a bill and later statute, just allows the opportunity for a municipality to have some option, leave it open. Then if there are bills presented and passed later on recall and so on and so forth, we could actually pull that in. I guess I would generally agree with the Chair that if we leave that piece out, there are options still. Particularly in any legislation and the way that I read the recommendations, a municipality can take this up directly if they feel it appropriate. Part of the problem is

-- is when you have elected official without any provision for recall, no one can remove them. Then you also have the issue of collective bargaining units and agreements and so on and so forth. So some of that, I think, could be directly addressed locally rather than trying to put it into legislation and, you know, create bad (inaudible) -- all the detail to it.

REP. SPALLONE: Thank you.

Ms. Smith-Criddle.

MS. SMITH-CRIDDLE: Yes. One of the reasons for allowing the ethics committee to make a recommendation -- and it's as far as we have gone with the attempt to make a change, is that the ethics committee should be dealing with ethical concerns and ethical -- ethically, you know, appropriate kind of activities --

A VOICE: (Inaudible).

MS. SMITH-CRIDDLE: -- and to not address this particular issue here, then it leaves this more in the legal sphere -- legal sphere, yes. I've got a sphere. I'm sorry. But in other words, this way there are certain ways of approaching the fact finding that I can see would be valuable for ethics committee -- and not do anymore than make a recommendation. So I guess to sort of honor the intent, the real intent of the ethics committee, to let that group first look it with a -- a bias toward ethics and so forth, that I think that there is value in that. Thank you.

REP. SPALLONE: Mr. Hudspeth.

MR. HUDSPETH: If I may just add and reconfirm the point that Ms. Smith-Criddle has made, the reason that I recommend this is I think it was well that the report attempted to address the issue, and I do think it's one that's hard to duck. I mean, we have to deal with what you -- what one should do and the point that they're an elected official -- so I think it's very important to make it explicit what the limits of the power of ethics commission should be in that area. And I do think this suggested language that's found under item four on that handout, is the better way to deal with this issue because it both indicates the limitations on the power of a local ethics commission or council or other body to act, but also suggests that they're making of recommendations in that area is not only appropriate but probably something that might be encouraged.

REP. SPALLONE: Yes.

A VOICE: Thank you, Mr. Chairman. I guess I'd say two things. I think the Chair's recommendation certainly is acceptable to me. The longer amendment that two of the members are proposing -- the problem I have with that, frankly, is not the last sentence which says that we recommend that the ethics commission should have the power to recommend removal; it's with the part that precedes that which speaks to some other municipal body having the right of -- to impeach or to recall or so forth, I -- I think that language implicates --

(End of audio file 3).

REP. SPALLONE: I have an idea, and we'll see if it's acceptable to the -- no motion has been

made yet, but to see if it's acceptable to the -- to those who proposed the language, I think. What -- and I'll -- rather than trying to write it right now, we'll work toward that in a few moments, but I'll try and state what I think we could do. Which is first of all say, "caution should be exercised in giving any ethics commission the authority to remove a person from office," certainly I think that's true -- we could even be stronger perhaps, "and we don't recommend giving the authority to an ethics commission." And then "Generally, such authority should not be exercised by a municipal ethics commission," that's kind of -- we already said it. So what I thought maybe we could do is come up with a sentence that essentially says, however, municipal ethics commissions should be empowered to recommend to the appropriate body, as may be determined by state law, removal from office.

You know -- that's the end of my sort of drafting for a moment, and now I'm going to comment. There are -- there isn't currently very many ways to do that. There are a few towns and cities that have by charter the ability to recall, but it's only three or four, I think. We've been considering legislation for years and it has been an uphill battle.

Then back to the drafting, we -- to see if the group thinks it might also be appropriate to add language to empower them to refer their findings to the state's attorney's office. To the state's attorney as a discretion I could say if, you know, there's no crime. Or they could, you know, if we all -- citizens have the right to bring something to the attention of law enforcement, so perhaps we could add

that.

A VOICE: Along those lines, I don't know if you want to be that specific to say attorney general's office, because there may be other --

REP. SPALLONE: Oh, I meant to say state's attorney.

A VOICE: State's attorney has the authority -- the AG's office doesn't.

A VOICE: There may be other folks, other --

(End of audio file 4).

A VOICE: I think it's an excellent idea, and I really like the proposal. I do think as to appointed officials that are appointed at the local level, the local appointment authority, whatever it is, presumably the selectmen's board or something like that has the authority to remove them. I think it's -- it's on the other side, the people who are elected to office that we really do have a major concern about. And I don't -- I agree with you both, I don't think that's something we necessarily have to address here.

I don't know whether you want to say anything more positive about dealing with -- with appointed officials or not. It may be best just to let that go and deal with it in the way you have, which I think is a very creative way of dealing with the situation. So I'd be assuming that -- Linda, is that okay with you? I think what we do is get that key last sentence, which -- which I agree with you both is very important to get in there, on the

notion that, however we further recommend that the local ethics commission should nevertheless have the power to recommend that such action be taken. And using your language also to refer to the state's attorney's office.

REP. SPALLONE: Have we given you enough, Attorney Towson to read maybe -- should you read back to us what we think we've put together here? Did we give you enough or do you want me to try and restate it again?

MR. TOWSON: I took notes on what you said if you'd like me to try my hand at it.

REP. SPALLONE: Why don't we have Steve give his best, and then I'll see if it jives with what I intended.

MR. TOWSON: All right.

REP. SPALLONE: And then we'll go from there. Give me one more shot at drafting.

MR. HUDSPETH: And I'm trying to mesh it with the original two sentences, which I haven't quite done in my mind yet -- I think the last two sentences we would change to say: With respect to removal of any official from office by action of a local ethics commission, we do not recommend giving such authority to such a commission. However, we do believe that the local ethics commission should be empowered to recommend to the appropriate body as determined by state law, that such removal action be taken as to either an elected official or an appointed official in the appropriate circumstances and after the commission has conducted a full hearing on the matter. Furthermore, we believe that it would

also be appropriate to provide for the local ethics commission to have the authority to refer its findings to the state attorney's office in the appropriate circumstances.

Is that -- is that (inaudible)?

REP. SPALLONE: I think it sounds good. I think the very first sentence we might be able to just make declarative.

A VOICE: (Inaudible).

REP. SPALLONE: Because you were thinking out loud while you were doing it, I think.

MR. HUDSPETH: It can definitely be improved. And I think that's the essence of what we were saying.

REP. SPALLONE: Okay. Do you have that down now? Or...

A VOICE: It's being recorded. So what I will do is take it from the transcript of this meeting and make it declarative -- as to the first sentence.

REP. SPALLONE: All right. Then we should probably have an appropriate motion to add that to our report.

A VOICE: I move that the language, as just recited, as further amended for clarification purposes, be adopted into the task force's report.

REP. SPALLONE: Is there a second?

A VOICE: Second.

REP. SPALLONE: Any discussion?

Yes.

A VOICE: Three suggestions I think -- if I could
just --

REP. SPALLONE: Oh, sure.

A VOICE: Think you can read my notes?

A VOICE: You're such an optimist. I can't even
read them.

A VOICE: Early on -- he's right. I can't read
them -- early on in the refutation, it said
something about referral to the appropriate
body.

(End of audio file 5).

A VOICE: -- state law, there might be local law
which is relevant to the same subject, but
just strike the word "state."

The third point for discussion -- I'm not sure
I've resolved this in my own mind -- if what
we're recommending is limited to the ethics
commission making recommendations for removal,
I'm not sure that for legal reasons we need to
leave "municipal employees" out of this
particular recommendation the way that it's
written. Right now we're only speaking to
elected officials and appointed officials. If
all that the -- if the ethics board doesn't
have the power to remove, I don't think any
collective bargaining agreements or labor laws
particularly implicated there -- and I'll tell
you that the code of ethics in the City of
Meriden, which I think in this instance
follows the 1996 model code, does give our

ethics board the power to recommend removal or other options with regard to employees. Obviously the ethics board can't do that, and any such action is going to have to comply with applicable bargaining agreements or labor laws. But I'm not sure we need to make the distinction if it's only a recommendation of the commission.

A VOICE: I would adopt those recommendations into the motion.

REP. SPALLONE: Any further thoughts on these two issues?

MS. SMITH-CRIDDLE: I just want to be clear about what we are removing --

REP. SPALLONE: Use the microphone please, Linda.

MS. SMITH-CRIDDLE: What are you suggesting that we remove?

MR. KENDZIOR: Actually I'm suggesting that the -- this particular recommendation which, as written, applies to elected officials, appointed officials, should also apply to municipal employees.

A VOICE: And Larry is also expanding the definition of the government entity that under law that (inaudible) -- it was state and presumably local, to take out any explicit reference to what level we're talking about in general. (Inaudible).

MS. SMITH-CRIDDLE: Thank you.

REP. SPALLONE: And if I recall, the motion to be made by Steve and seconded by Linda, right?

MS. SMITH-CRIDDLE: Yes.

REP. SPALLONE: So do you -- would you both agree to add those to your amendment?

MR. HUDSPETH: Absolutely.

MS. SMITH-CRIDDLE: Yes.

REP. SPALLONE: Okay. Is there any further discussion on this particular amendment?

If not, I would call for a voice vote at this time. All those in favor please signify by saying "aye."

VOICES: Aye.

REP. SPALLONE: Any opposed say "no."

The ayes have it. That amendment is adopted.

At this time I would just like to recognize that we have been joined by Representative Peggy Reeves of Wilton. She's a freshman in the Legislature, a new member and a member of the GAE Committee.

Welcome to the Municipal Ethics Task Force meeting today. Thanks for coming.

Well, that concludes my amendments. That was my most substantive one. And I know others have other suggestions, so I would now seek to recognize whoever wanted to offer any further changes to the report at this time. Anyone else?

First Selectman Valentine.

MR. VALENTINE: Thank you.

I do have one, I just got my pages in order here -- and make certain I have the right place.

A VOICE: Would you like to borrow my paginated version?

MR. VALENTINE: That's okay.

Particularly, I'm just looking for the page that deals with the adoption of an ethics code, where it speaks to the legislative body adopting an ethics code. And I know I just marked it here -- bear with me for one moment. (Inaudible) carry over to four --

A VOICE: Top of page four?

MR. VALENTINE: Top of page four -- that would be it.

In that paragraph on the top of page four, I'd like to recommend a change in the language just slightly. This would be a change that would recognize the difference between a board of selectmen, town meeting, (inaudible) government as opposed to a city council or something along that line. So in the middle of that paragraph, "Adoption of such code would require only a vote of the legislative body of such municipality," if we could change that to include -- just get the language here --

(End of audio file 6).

MR. VALENTINE: -- just after "legislative body," if we could say, "or," comma, "in the case of a municipality in which the legislative body is a town meeting, a board of selectmen such

municipality."

MS. SMITH-CRIDDLE: I have a suggestion perhaps. Under two, the last sentence -- that's the way we dealt with the state subdivisions which are not municipalities. Is that adequate? Or...

MR. VALENTINE: Well this -- this goes particularly to how it's adopted. It would allow a board of selectmen to adopt rather than having to go to town meeting, whereas if you have a mayor and city council, city council could actually adopt it.

REP. SPALLONE: I would tend to agree. It's a slightly separate issue from these other types of entities, and I'm looking forward to that discussion as well. But I think this is something we frequently do here in the Legislature. From time to time, we make that distinction because of the fact that having a town meeting as your legislative body could in some instances be cumbersome or it's not appropriate for certain types of things.

Is there any discussion on this -- further discussion before we make any kind of formal amendment?

A VOICE: I think the point's very well taken, Mr. Chairman. My only suggestion would be that perhaps it could be accomplished by a one word change, if First Selectman Valentine would be agreeable to that. Instead of "legislative," -- "appropriate body." "The vote of the appropriate body of such municipality" -- which leaves it to be determined locally.

I guess I would say that we should probably be specific when we're looking at proposed --

that language is actually out of current state statute for plans of conservation and development, and it's in others.

A VOICE: The problem with just using "the appropriate body" is somebody's not going to know whether it's a town meeting or the --

A VOICE: Correct. And that does often become a question, as Chair mentions.

A VOICE: So would your language clarify that it could be either depending upon the governance of the town or how it handles these sorts of things.

A VOICE: Absolutely. The only thing it would say is in case of a town meeting -- board of selectmen/town meeting form of government, it can be adopted by the board of selectmen. Not necessarily saying it has to, but it can be adopted by the board of selectmen.

REP. SPALLONE: So it's enabling? Right. If they want to have it -- which some towns might want to have the town meeting do it.

MR. VALENTINE: Well, in fact, in Goshen we may just do that, and I did send a copy of ours, and do it as an ordinance. But the board of selectmen also has the ability to set policy.

REP. SPALLONE: Would you like to state your change in the form of a motion at this time?

MR. VALENTINE: Sure. I would move that -- did you get the change? Okay.

I would move that we make the change regarding boards of selectmen versus legislative body.

REP. SPALLONE: Is there a second.

A VOICE: Seconded.

REP. SPALLONE: Okay. It's been moved and seconded. Is there any further discussion? We sort of had a prediscussion on this amendment -- it's a little different though. If not, I'd call for a voice vote.

All those in favor, please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed?

A VOICE: No.

REP. SPALLONE: The ayes have it. The amendment carries and will be included in the report.

Does anybody else seek further recognition at this time? Any further amendments?

First Selectman Valentine.

MR. VALENTINE: I just have one question. The issue of -- and we may have addressed it already -- if we're going to require each municipality to have a code of ethics -- minimal standards and process by which they go by -- I did think it was important that we make it clear that those standards would apply to all within a municipality. In addition to that, if a municipality chooses a -- a stricter standard of code, that that stricter code should be the code that's followed within that municipality. I did read this again as I came in, and I think it does speak to that a bit, but I just wanted to ask everyone else

whether or not they had that same feeling that this report would make it clear that it applies to all, and if legislation is put forward, that if a municipality has stricter standards, those stricter standards would apply to all as well.

REP. SPALLONE: When you -- a point for clarification, when you say "all," do you mean elected, appointed, volunteers, and employees?

MR. VALENTINE: Correct.

REP. SPALLONE: Okay. Is there any further discussion on that issue? Does it need to be clarified?

Steve.

MR. HUDSPETH: Just one point on that, Mr. Chairman. The first bullet point on page four -- the first full bullet point there, says "The minimum provisions contained in any municipal" and so on, so it -- clearly what we're talking about is minimum provisions there. I don't think it hurts by any means to make explicit, in the way that First Selectman Valentine has suggested, exactly what we're saying. My understanding is what we're saying here is, you can certainly have a stricter code than this, and it can certainly apply to every person --

A VOICE: And it should apply.

MR. HUDSPETH: -- and should apply --

A VOICE: To all.

MR. HUDSPETH: -- to every person, employee either full or part-time, or volunteer, within a town

or a municipal entity.

A VOICE: And I'm not so certain that that does that. I did have a question when I read it the first time, and I'm reading it now and saying, you know, does it or doesn't it?

REP. SPALLONE: I'd just like the task force to just ease for a moment while I -- I just want to read this over again -- for a moment, if we can.

(End of audio file 7).

REP. SPALLONE: I'd like to return from that brief recess. I have a suggestion, and I'd like to see whether Mr. Valentine and others find that acceptable. A new sentence at the end of the bullet that states, "The task force recommends that any such code be applicable to all elected officials, appointed officials, and employees whether paid or volunteer."

A VOICE: And whether full or part-time.

REP. SPALLONE: Yes. That would be fine too.

A VOICE: That's good.

REP. SPALLONE: At this time I would -- I'd make a motion to that effect and seek a second.

A VOICE: I would second that.

REP. SPALLONE: Okay. And is there any further discussion?

A VOICE: Just a clarification (inaudible) -- where does that go exactly? I think it's great language, is it going to go at the carry-over bullet point on four or the full bullet point

on four that begins, "The minimum provisions"?

REP. SPALLONE: I -- I had wanted to put it at the end of the full bullet point on page four.

A VOICE: Sounds good.

REP. SPALLONE: Any further discussion?

If not, I'll call for a vote. All those in favor of this amendment please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it. The motion carries.

Counsel, do you have that language? Okay. And I have it here if you need to see it as well.

Does anybody seek recognition for further amendments at this time?

Yes, sir.

A VOICE: Referring to page five, the bullet point that's there -- it's six lines down -- that recommends that there be a process by which -- the decision of a local board of ethics could be appealed to the Office of State Ethics. And in fact, there's some language that's not quite clear about who's going to decide whether that appeal is to (inaudible) or on record. I'm opposed to the notion that there be a right of appeal from the decision of a local board of ethics -- two reasons. One, financial, it is going to impose a burden on the Office of State Ethics, and earlier in the

report recognizes that the times are different now, that we should avoid those sorts of burdens. It also, frankly, will impose a financial burden on the municipalities, the officials, and all of the parties that are involved.

More significantly in my mind though, is that in order to have a local board of ethics, a code of ethics which is effective and which people have trust and reliance on, I think it's important to -- that that board have the authority to make decisions that are binding on the parties that are involved. I think that giving the right of appeal through the auspice of state ethics undercuts that authority.

I also, from my own experience -- I think there are times when frivolous complaints are filed against -- against municipal officials whether they're selected, appointed, or employees and usually by persons who are in the habit of filing those sorts of complaints. I'm quite sure that a complaint that really is frivolous in nature filed by a person who's inclined to file those sorts of complaints would certainly be appealed. And what's going to happen there is that you're going to -- despite the inconvenience and expense, you're going to bring the reputation of the person against whom the complaint is filed into disrepute again. And I think that's something that, in order to encourage particularly volunteers and appointed officials to serve in municipalities, we should avoid.

The law I guess -- and I don't know what counsel thinks -- the law isn't probably particularly clear in the state right now about whether there's some sort of right to

appeal the decision of a local board of ethics to the superior court. I do believe that the existing model of code of ethics has language in there that would authorize that. I think -- frankly, I think we ought to be silent on the issue of appeal and simply not make a recommendation in that regard. But if we are going to make a recommendation as to how an appeal should be taken, I would much prefer that it -- we recommend that it be taken to the judicial system. I think that guards against the sort of frivolous -- frivolous appeals of frivolous complaints, an issue that I do see could very easily be a problem. Thank you.

REP. SPALLONE: I believe that -- and check with Attorney Towson as well, that the Uniform Administrative Procedures Act, even if we were silent would provide a right to appeal to the superior court from municipal ethics commission -- I don't know.

A VOICE: Yes. That's correct, that would be my understanding.

REP. SPALLONE: Okay. I mean my feeling is that if -- if you have a frivolous complaint that succeeds for some reason, you'd want to be able to appeal that and that the Office of State Ethics might be able to do that more quickly than a superior court action where you'd have to file a writ, summons, and complaint, have a return date, scheduling order, and the whole nine yards. However, well --

A VOICE: You're certainly correct. I mean, I hadn't -- I guess I am automatically inclined to believe a frivolous complaint submitted to a local board of ethics is -- the court is

going to find that there's no violation of the code of ethics. I hadn't actually thought about the flip side of that.

REP. SPALLONE: I personally think that this paragraph needs a little bit more work, and I'd be interested in further discussion. We may want to consider leaving the issue of appeal and how that should be handled to the General Assembly. And we could state that directly -- we could even state certain issues of concern to us -- this might take a few moments to work through, but I think we could.

Any -- is there any further discussion on this?

Bob.

MR. VALENTINE: I would agree -- Stephen sent an e-mail earlier this week that dealt with that issue, and I very much think that we should avoid cutting off our ethics commissions at the knees, figuratively, by if you have someone who's going to make a complaint, they should make their full argument before a local ethics commission and let it sink or swim on its merit. We have to be careful that we don't have a situation where people will not do everything locally and then go off and try to get a little more bang and a little more publicity by going to the state ethics commission.

Since we did approve language in the case of potential criminal nature of lapses with the state's attorney, I think the ability to be able to make recommendations, if it's an elected official, that's going to have a substantial impact on their popularity and of course then you get off in the next election

if there's a serious issue, in that they most likely won't be elected again. But I -- I also think we should be very cautious to recommend state ethics commission review of local boards' decisions.

A VOICE: Could you repeat the very last sentence, Bob.

MR. VALENTINE: I think we should be very cautious in report to recommend that -- that the state ethics commission actually review. I think we need to give -- once this all comes about, all 169 municipalities will have an ethics commission. They should have the ability to work and make decisions and recommendations without fear of being undermined later on.

REP. SPALLONE: Just to -- I just wanted to quickly respond in that, that would be -- what Bob articulated would be my concern with appeals de novo in particular, if we open that up to the Office of State Ethics that people would have two shots at issues of proof and so forth, and so that if any appeal were taken in that direction, it should -- it should in all likelihood be on the record. Of course, that raises the issue of having the municipality have to keep a record, so these are some -- some thorny issues to deal with.

Someone else?

Steve.

MR. HUDSPETH: On two different points here. First of all, on the record I think that you'll find that there would always be a hearing record and perhaps that's something we want to affirmatively recommend. That, if the commission is going to hold hearings, there

should be a record, either tape recorded, court reporter-transcribed one. My proposal number three on that sheet that Linda and I submitted that you have in front of you, was designed to deal with this point specifically with respect to avoiding just the point that you raised, Mr. Chairman, about -- concern about de novo appeals. That just undercuts entirely the whole point of having a local ethics body because what it does is it assures the whole thing is going to be relitigated again from start at the appellate level.

The reason I put in that second reference, and I'm perfectly happy to adopt the proposal that's been made by Mr. Kendzior, because it's a fine one. But the reason I put in the language suggested here, was because we did have testimony at the public hearings, particularly from those people who are residents in larger cities within our state, that they are very concerned about the -- the handling of ethics complaints at the local level in terms of their trust and the integrity of the process. And that was the reason for proposing that particular language.

As a whole, what I would rather see is do -- to play safe, is to put in a recommendation that there be no appeal at all from local ethics decisions because I'm very concerned that if we start having an appeals process the notion of dividing between various sized towns will -- will disappear entirely and what we'll then get is review of everything by the state office -- Office of State Ethics, which is not to say that we don't trust their review process. We do entirely and think it would be a good, well-handled process. It's just that for the reasons that First Selectman Valentine indicated, we are very concerned that if that

happens, it will hugely discourage recruitment of local volunteers, because as Mr. Kendzior mentioned, if you have local volunteers who have to fear that they're going to go through a lengthy appellate process on frivolous complaints that should have been dropped and dismissed at the initial stage, you're going to discourage volunteers enormously.

A VOICE: The point about -- that we did hear -- there was testimony from folks about how ethics complaints are handled at the local level, and some doubt that they were being handled appropriately. There are sections in the report that seem to, I think, making sure that the appointments to the local board of ethics are made on a nonpartisan basis and so forth. I think that that concern is a real concern, but it's one that's probably left better for the development of the model code of ethics. The charter in the city of Meriden requires that our local board not have a majority of any political party. And our code of ethics prohibits the appointment of anyone to the board in several categories, who has been an elected official, been a party official, and several other things that are designed to completely take away the fear that the board of ethics itself is a political or a partisan body.

So I -- I recognize that that's a concern, and it could be addressed by giving the right of appeal. I think it's better addressed by putting provisions in a model code of ethics that will ensure that the appointments are made so that the body does in fact -- so the community perceives that the board of ethics is -- does have integrity and is acting on a nonpolitical basis.

A VOICE: It's actually independent.

REP. SPALLONE: Well, I have been developing a -- maybe a suggestion for cleaning up the paragraph -- I don't know if anyone else has -- that wanted to jump in. If not, I'll give it a try. I had some things that were more substantive than others.

Municipalities should have -- this is again, I have an -- sort of an editor's tic, where I start to fix things when I'm reading.

"Municipalities should have options with respect to enforcement" -- so I did change that. "By a date certain each municipality should either establish an ethics commission," comma, "join a regional ethics commission or have the Office of State Ethics handle enforcement," period. "If the town fails to," strike "do" and insert "enact," "either of the first two options," comma, "third option should go into effect automatically after such date," period. "The task force is concerned about potential consequences of appeals to the Office of State Ethics in terms of cost, burden, and consistency," period. "If the Legislature provides for such appeals, the task force suggests that they be appeals that they be made on the record," period.

A VOICE: If I could suggest that we just add something to the effect of "undermining a local ethics commission's work." You're a much better wordsmith than I -- but I think that's certainly a concern. We don't want to undermine people who we've given a very difficult charge to start with.

REP. SPALLONE: Okay. Yeah, then we could add, you know, an additional short sentence, "The task force feels it is important to support and not

undermine the difficult work of local ethic commissions," period.

Anything further?

(End of audio file 8).

A VOICE: Thank you for your patience (inaudible).

REP. SPALLONE: No, take your time.

A VOICE: What I suggest following off your language, Mr. Chairman, is -- on the second line down, the use of the word "either" with the three things, I think, gets a little bit confusing since we have three choices. What I'd like to suggest is on the second line, which would be a little bit different in lineage on your proposal, but the language stays the same -- "Each municipality should enact one of the following" or "undertake one of the following" is probably better, "establish an ethics commission, join a regional office or have the Office of State Ethics handle enforcement." If the town -- "If the municipality fails to enact either of the first two options" or "fails to undertake" -- I don't know, some of them are not enacting, they're defaults, "either of the first two options, the third option should go into effect automatically," as you said.

In your language that speaks about appeals, where you say, "established below and not," I think after the word "record" we ought to say something like, "established below and not de novo," so it's clear what we mean by "record" and "not de novo." "So as not to undermine the local ethics commission's work," then I would suggest we add another sentence right after that that says, "In any event, we

recommend that there be no appeal to OSE, so as not, in fact, to undermine the work of local ethical bodies -- local ethics bodies."

REP. SPALLONE: It's fine with me. I mean, I think that's --

A VOICE: I think we'll adopt what both First Selectman Valentine and Mr. Kendzior were saying. Does that -- they make it very, very explicit what we're coming down (inaudible).

A VOICE: That works well.

REP. SPALLONE: Do we have language? Do we have -- do you need it restated? Or...

A VOICE: Once again, I'll be relying upon transcript.

REP. SPALLONE: Okay. Very good. Thank you.

Yes.

MS. SMITH-CRIDDLE: I need to ask would this be the time to --

A VOICE: I would, however, just state for the record that if these are actually going to be motions for amendments to the document, there should be a motion, and there should be at least a voice vote on these items.

REP. SPALLONE: Right. This one is -- I think this is the only one we haven't done yet, if I'm not mistaken.

A VOICE: (Inaudible).

A VOICE: -- just adopt everything we've done to date? (Inaudible) this motion.

A VOICE: I disagree.

A VOICE: We'll do it.

MS. SMITH-CRIDDLE: I wonder if this is the time to consider the suggestion that Steve and I put together, number five of the proposed amendments, which deals with the -- and I don't think we've dealt with this yet -- about the first, you know, if it's -- it's some kind of a time frame within which the municipality has to respond. And if there is nothing stated, there might have been -- it might have been stated in one other bullet, but some way of tracking this.

REP. SPALLONE: I think so that we keep track of where we're headed, we should probably adopt the previous language and then head to your bullet point -- that would be my suggestion. So with that said, I would -- the Chair would make a motion to amend the report with respect to options of enforcement and appeals as developed in the previous discussion on the record and would entertain a second.

A VOICE: Second.

REP. SPALLONE: Good. It has been moved and seconded.

All in favor -- is there any discussion, further discussion?

Okay. There being none, we'll ask for a voice vote. All those in favor please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it. That amendment is adopted.

Linda.

MS. SMITH-CRIDDLE: The suggestion that we've made on a list of proposed amendments here has to do with a way of tracking the activity of the municipalities to know whether or not they are going to meet the standards of the recommended legislation with regard to dates.

REP. SPALLONE: Okay. Any further discussion that particular bullet?

Yes.

A VOICE: I think it would give us a better focus if we separated the last sentence of the suggested bullet point (inaudible) --

A VOICE: I think that's a good idea.

A VOICE: -- take that up separately. I think the second full sentence in the bullet makes an important point that (inaudible) is something that should be added.

REP. SPALLONE: Okay. Anything further on this suggestion? There's no motion pending, we're just having an informal discussion of the language at this point.

Linda, where would you want to put -- insert that language in the report?

MS. SMITH-CRIDDLE: If it needs to be a new bullet point, then probably the last -- it would be the last.

REP. SPALLONE: Okay. So it would be on page five after that last bullet point?

MS. SMITH-CRIDDLE: Correct.

REP. SPALLONE: So it would be -- this is concerning how it's implemented in time?

MS. SMITH-CRIDDLE: Correct.

REP. SPALLONE: Okay. All right.

And counsel, you have that language -- do you have this? Yeah, it's the last bullet that came from Steven and Linda.

MS. SMITH-CRIDDLE: And the second or -- excuse me. The recommendation is that we withdraw the final -- the final sentence, if I understand.

A VOICE: (Inaudible).

A VOICE: The last sentence is, "excluded for now until" (inaudible).

MS. SMITH-CRIDDLE: For now.

REP. SPALLONE: Chair would entertain a formal motion regarding this language, then, at this time.

MS. SMITH-CRIDDLE: I so move.

A VOICE: Second.

REP. SPALLONE: Okay. And so the motion is to insert suggestion number five from the Hudspeth/Smith-Criddle suggestions, not -- but excluding the final sentence. And it has been moved and seconded.

A VOICE: That is correct.

REP. SPALLONE: Okay. Is there any further discussion?

Okay. There being none, I call for a voice vote. All those in favor please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it. The amendment is adopted.

Is anybody seeking recognition at this time?

MR. VALENTINE: Yes, (inaudible). In a draft municipal code the Town of Goshen has put together, we had envisioned using both a regional council and a regional ethics commission, first to determine whether or not there's merit. Once there's merit, we would send it off to a regional ethics commission to take local politics out of it altogether. I've read a few times the last bullet, which is now second to last since we just added one. When it says, "Each municipality should either establish an ethics commission, join a regional ethics commission," and so on, I wonder whether what we've drafted in Goshen would actually follow that if the legislation followed that particular -- we would be doing both regional and local. We wanted the ability to be able to -- before we sent off, which will be an expense for the town, we wanted the ability to have a local independent group just say, yes there's merit. Once they do that, then it goes off to the regional, so that we take local politics out of it altogether.

REP. SPALLONE: Is there any response or further discussion on that point?

MS. SMITH-CRIDDLE: Could be --

A VOICE: Could be "and/or."

MS. SMITH-CRIDDLE: -- could be taken care of by "or a combination of."

A VOICE: Right.

A VOICE: Or "a combination" or something along that line.

A VOICE: That would be in the -- in the last bullet point of the fifth, the last bullet point as it appears on the report, not the new last bullet point we've added but the --

A VOICE: Correct.

A VOICE: So it would go -- say on the fifth line down, "first two options or a combination" --

MS. SMITH-CRIDDLE: "thereof."

A VOICE: -- "a combination thereof."

A VOICE: There you go, very good. Thank you.

A VOICE: All right.

REP. SPALLONE: Would you want to make that in the form of a motion at this time?

MR. VALENTINE: I would move that we make that change to allow the both regional and local as an option.

A VOICE: Second.

REP. SPALLONE: Okay. And it has been seconded.
Is there any further discussion of that change
which is added to the significantly rewritten
bullet? No. Okay.

There being no further discussion, all those
in favor of the amendment please signify by
saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it. The amendment is adopted.

Is there any further amendments or discussion
at this time? Does anybody seek recognition?

Steve.

MR. HUDSPETH: (Inaudible), Mr. Chairman, I'm
trying to do it in some order here. What I
propose to do then is perhaps first is just to
go down the other ones that we had on the list
of -- Ms. Smith-Criddle and I put together.
And then go to a couple of others that are
probably more minor. Should I do them in the
order I have them listed there? One and two,
I think, are the only two left except for that
last sentence of number five.

REP. SPALLONE: Yes, please.

MR. HUDSPETH: Okay. Thank you, Mr. Chairman.

REP. SPALLONE: Please proceed.

MR. HUDSPETH: As to the first one, we have
recommended at the end of the carryover bullet

point on page four or as a separate bullet point, there we add the following language -- the reason for recommending this additional language is that we think it's very important that we deal with the issues of both unionized employees generally and specifically with respect to those that we don't need to cover for specific reasons that relate to both union agreements and to already existing ethical standards that they're required to comply with in any event. So that language would read, "We further recommend the exemption of any person from coverage under a code established under the recommended legislation, who is employed full or part-time by a municipality or any of its boards provided the person is both (A) a member of a union having a collective bargaining agreement with the municipality or any of its boards and (B) is covered by the municipality's departmental code of conduct or the board's code of conduct that," little "i," "contains provisions equivalent to or stricter than those contained in the legislation and," little double "i," "includes provision for the making of citizens' complaints and for an adjudicative process for review and resolution of them." That's the proposed amendment.

REP. SPALLONE: Okay. Is there further discussion on this?

Bob.

MR. VALENTINE: I have a basic comment. I think I understand a bit what you would like to add with that, but I do have a concern. If we're going to have a uniform standard for all 169 municipalities and, as I said before, some municipalities might want to have stricter provisions, it should be uniform across the

board, in my opinion. Irrespective of whether or not there is a collective bargaining agreement or a union involved, those issues can be dealt with after recommendations are made. You know, we already talked about the commission -- ethics commission being able to make recommendations.

And then it would make sense from there, you would take that recommendation and you'd have to take into consideration any contracts that would have a bearing on what that recommendation is. I think it's important that if we're going to do ethics ordinances in each and every -- or rules in each every municipality, that within a municipality that there be a uniform standard for all and single out groups. Sanctions are where you can -- where you can take care of some of the things that might or may not be within a collective bargaining agreement.

REP. SPALLONE: I would like to briefly comment on the proposal before -- and then we'll hear from others.

I believe that this intersection of ethics and what may or not be provided in collective bargaining is pretty complicated. It's something we learned in the Legislature last year when we were dealing with pension revocation. And is often best left to the courts and labor negotiators, or more importantly the courts if it gets to that to decide. I think that -- and that's what we ended up doing in many respects with that legislation last year -- also think that this particular proposal may be in conflict with a prior amendment we made, that I believe was made by First Selectman Valentine concerning across-the-board application. So that's my

thinking at this stage and would be interested in further comments from the task force members.

MR. KENDZIOR: Generally speaking, I agree with the First Selectman. I think that clarity of what the code of ethics applies to is extremely important, I think uniformity is extremely important. The concern that there may be a conflict with collective bargaining agreements or some provision of labor law, I think,, as the Chair has noted, is probably better left to the courts than -- in all likelihood those other sorts of provisions are going to prevail over anything in a local code of ethics at any rate. There's a reference in the proposed amendment to "departmental codes" and so forth, which would be another layer of regulation. And I have to say there's no such codes in the City of Meriden. We have a code of ethics, and that's what applies to everyone. We don't have any separate codes of conduct. Lastly, to again, to the concern about employees and collective bargaining agreements and so forth, there's an existing provision of state law -- I don't know the statutory reference -- but it basically says that to the extent that a certain benefit accrues to a member of a group no differently than the other members of the group, I think we could all read into that collective bargaining, unions, and so forth. That benefit is -- by that statute, determined not to be a conflict of interest.

I was talking to the First Selectman before we started and the instance in which that particular provision came into play in Meriden was we had a elected member of the board of education whose wife was a teacher in the

school system. And the question was posed as to whether or not that person could vote on the board of education budget and our board of ethics -- this is a long number of years ago -- but our board of ethics determined that that particular statutory provision came into play, that he -- and it's really his wife -- through her, wouldn't benefit any differently from any vote than any other member of that particular bargaining unit. So I think that statute to some extent, addresses the concern that people may have about applying the code of ethics to employees. And even if it doesn't, I'm sure either the Legislature or the courts can make that work. And I think it is very important that the code of ethics applies to employees as well as elected officials, appointed officials, and volunteers. Thank you.

REP. SPALLONE: Any further comments on this? There's no motion pending, by the way, at this time.

MR. HUDSPETH: Mr. Chairman, may I just attempt to address the points that First Selectman Valentine and Mr. Kendzior have made -- and they are very, very good points, I understand them quite well.

Here is what my concern is very simply, that we're dealing with a very difficult issue when it comes to having local codes adopted. Having lived this experience through in our own town, there are very serious ethical standards that apply to a number of our unionized employees, including particularly our police. I've reviewed those codes in detail. They are enormous and they play off a state code of ethics for police activity, which is really quite comprehensive. What you

get if you don't include some sort of provision like this is a great groundswell of concern, not by these employees -- not that they are not covered by an ethics code, but rather that they're covered by multiple codes that force them to move in multiple different directions if there's a complaint raised.

That's why this specific language says that, the code -- it would apply to them, that's different from the municipal ethics code, must contain provisions equivalent to or stricter than those contained in the legislation that we're talking about here and includes provision for the making of citizens' complaints and an adjudicative process for review and resolution of them.

I'm very concerned that if you don't put this in, what's going to happen is the first thing that's going to be battled is litigation by the unions going directly to this issue, which will tie up the placing of any new ethics codes in place in municipalities throughout the state while that issue is sorted out. That may take years. I think this language will do a lot to get codes in place quickly and effectively that will accomplish what the purpose is that we all have in mind here.

REP. SPALLONE: May I -- and again, there's no motion pending at this time, but I might suggest a compromise that could help address your concerns. And that would be language to the effect of, the task force recommends that the General Assembly carefully consider the implications of existing collective bargaining agreements or departmental codes of conduct when developing -- when drafting the legislation.

MR. HUDSPETH: I agree entirely.

Linda is that -- yes, okay.

I think we're all in accord on that event --

MS. SMITH-CRIDDLE: Very good.

MR. HUDSPETH: I would make a motion to that effect.

MS. SMITH-CRIDDLE: And I will second.

REP. SPALLONE: Okay. There's been a motion made and seconded. Is there any further discussion?

If not, I would ask for a vote. All those in favor of that language please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

There are no opposed. The motion carries.
The amendment is adopted.

Does anybody seek recognition at this time for further amendments?

MR. HUDSPETH: I am going to propose an amendment. That would be the language of Number 2-1 on my sheet, here is proposed to add to the start of the final bullet point on the last page that is now the second to final bullet point based on the amendments we made earlier. So it's the bullet point that appears right at the top of the typed page five -- add at the start there, "We recommend that qualifying municipal ethics enforcement under the recommended

legislation should include both a code complying with the minimum provisions recommended in this report and also an enforcement body, municipal or regional, that has both (A) the power and procedures in place for receipt of citizens' complaints and adjudication and resolution of them and (B) the authority to issue advisory opinions. We further recommend that for any state subdivisions which are not municipalities, including but not limited to fire, water, and taxing districts, state ethics enforcements or the Office of State Ethics should apply." And I would make that as a motion for amendment.

REP. SPALLONE: A motion has been made. Is there a second?

MS. SMITH-CRIDDLE: Second.

REP. SPALLONE: Okay. Motion has been made and seconded. And I think there will be some discussion on this.

I think that it may need a little bit of work in that some of the items covered at the beginning may be covered. But I'm -- I tend to agree with respect to having the power, procedures in place for receiving complaints, adjudication, resolution, authority to issue advisory opinions -- I think that's the heart of this.

A VOICE: Yes.

REP. SPALLONE: I almost feel like we should have divided the question at the beginning, but we'll work through this, with respect to the fire and water districts and so forth. I think that that's a huge policy decision of whether to have the Office of State Ethics

handle all those, because there are very, very many of them. And I think that we may want to look at other options.

Does anybody else seek recognition at this time?

A VOICE: Would it be appropriate -- I would agree that we leave an awful lot out, if we leave out the fire districts and sewer districts and so on, it would be "taxing authorities." Could we find some way to fold them under a municipality's ethics commission, using again, these -- these minimum standards? That might help some of the issue of overwhelming state -- OSE.

REP. SPALLONE: I'm going to exercise a little discretion here and in the interest of efficiency, and ask whether for purposes of discussing the amendment whether the movant would be willing to, at this time, withdraw that portion of the amendment concerning the fire and taxing districts, et cetera, so we can focus on the other language and then move on to that.

MR. HUDSPETH: I agree entirely, Mr. Chairman.

REP. SPALLONE: Okay. And the second, would you agree?

MS. SMITH-CRIDDLE: Yes, I do.

REP. SPALLONE: Okay. So now what's before the body is the first sentence of paragraph two. And we might want to work through that and see whether we need all or part of that in the report.

Does anybody seek recognition at this time?

If not -- yes.

A VOICE: I would agree with the point that the
Chairman --

(End of audio file 9).

A VOICE: -- specific, which is fine by me. As
long as I guess it's clear on the record that
citizens may in fact -- citizens --

A VOICE: (Inaudible).

REP. SPALLONE: Anything further?

Yes -- and I have -- I think that if the
move -- the moving party is amenable to some
changes, I would -- I'm prepared to recommend
them. And there is a motion, so that would
entail accepting a change to that motion.

MR. HUDSPETH: Absolutely.

REP. SPALLONE: And what I would suggest, that we
state something to the effect of, "we
recommend that any municipal ethics
enforcement body," comma, "municipal or
regional," comma, "have both (A) the power and
the procedures in place for receipt of citizen
complaints and adjudication and resolution of
them and (B) the authority to issue advisory
opinions," period.

Is that acceptable?

MR. HUDSPETH: It is. May I ask if you'd make one
additional change. "Municipal," I think, is
referenced there twice in the language you
have, and I think you may want to drop the
first reference. And actually the second one,

I think when you said it, you said "citizens'" -- "s," apostrophe -- which would meet Mr. Kendzior's concern. And I think "citizens' complaints" -- or are you concerned about that?

REP. SPALLONE: I meant to just say "citizen complaints" because I felt that could cover both.

MR. HUDSPETH: Okay, good. If it covers both, that's pretty much -- let's leave it that way.

REP. SPALLONE: And with respect to dropping the first "municipal," I would be amenable to that, I noticed that as well. Thank you.

MR. HUDSPETH: Good. Then I accept.

REP. SPALLONE: Okay. And does the second accept that change?

MS. SMITH-CRIDDLE: Yes.

REP. SPALLONE: Okay. Has previously been moved, seconded, is there any further discussion of this amendment?

If not, I'd call for a voice vote. All those in favor of the amendment please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it. The amendment is adopted.

I believe the next item of discussion is what to do about fire, water, and taxing districts.

Does anybody seek recognition at this time?

Steve.

MR. HUDSPETH: It may have been proposed, the language that appears as the last sentence under that item number two, and just to read it again, "We further recommend that for any state subdivisions which are not municipalities, including but not limited to fire, water, and taxing districts, state ethics enforcement through the Office of State Ethics should apply." And I move the adoption of that sentence.

REP. SPALLONE: Could I -- I'd respectfully ask that maybe you hold off on making the motion so we can have a -- it's just a little less complicated procedurally --

MR. HUDSPETH: That's not a problem.

REP. SPALLONE: -- if we could just have a general discussion.

MR. HUDSPETH: Sounds good to me.

REP. SPALLONE: Okay. So the motion is withdrawn.

In terms of policy, I think that First Selectman Valentine mentioned or maybe Larry mentioned that -- the idea of having the municipality of those bodies -- default to the municipality. I think it's important that we address this issue, because we had people come out at the public hearings and complain about the behavior of certain -- of these quasi-municipal agencies. And I personally would prefer that they default to the municipal body, but would be -- would like to hear from the members on this issue.

A VOICE: Mr. Chairman, may I speak to that just briefly? I mean, I'm not sure I know enough about these entities to be very intelligent on this subject. My understanding, though, from the testimony that we heard at public hearings was that these entities tend to be self-sustaining and have a life that is separate from the municipalities with which they have some loose connection. As a result, not only do they have a huge amount of latitude apparently in their conduct, but also there is nobody with direct supervision authority over them, nor is there a very large pool of people from whom they could draw to form a separate ethics committee of their own; therefore, the suggestion for default to the Office of State Ethics. But I would be glad to accept a modification of this language that simply indicates that this is a matter which needs to be addressed by the Legislature in terms of finding a way to address how one handles these particular types of unusual state entities.

A VOICE: I do have a suggestion, if you would, something to the effect, we further recommend that fire, water, and sewer districts or other such taxing districts shall fall under the jurisdiction of the municipality in which they lie. Or something along that effect -- it pulls them into that municipality, it pulls them in, which I think is appropriate. Taxing districts, they have the ability to spend the townspeople's, you know, people's funds -- and just pull them into every municipality's fiscals, as we think it will. Every municipality will have an ethics commission, and we'll be able to pull that in without having without having a gripe, because it --

MS. SMITH-CRIDDLE: Do we know what the -- the relationship is between these subdivisions and the municipalities?

MR. VALENTINE: We actually have, in the Town of Goshen, a sewer district for a very large subdivision. They are a separate entity from our municipality, but half of our population lives in that subdivision. And so were we to have municipal ethics code, they would be exempt. I like the idea that we -- you know, the idea is to have a standard of conduct. So in doing that, we would pull them in. And there may be other municipalities who have similar situations.

REP. SPALLONE: Steve, I'll call on you in a moment.

I just wanted to check in with our staff to see whether they had any comments on the relationship between these taxing districts and the municipalities in which they lie that would help the task force. If not, we understand that too.

A VOICE: No comment.

REP. SPALLONE: Okay. Thank you. I gave you an out, I think.

Steve, yes. Please.

MR. HUDSPETH: I think the only thing I'd add to that Jim, is just to what First Selectman Valentine said was that I think we probably need to qualify your language just to make it clear that all we're speaking about is local ethics enforcement. Nothing more broadly than that, because otherwise I'm sure we're stepping into a hornet's nest of state

legislation on what their independence is from the local municipality, if any.

MR. VALENTINE: No, absolutely. Just that point.

MR. HUDSPETH: Then in that case, I would be glad to adopt --

Linda, is that okay with you?

I'd be glad to adopt the language that Mr. Valentine had or slightly modified just to make it clear that we believe the -- that the legislation should appropriately address any subdivisions which are not municipalities including but not limited to fire, water, and taxing districts for purposes of ethics enforcement.

Is that acceptable?

MR. VALENTINE: No, that works.

REP. SPALLONE: Bob, could you state your proposal in the form of a motion at this time, so we can move this along.

MR. VALENTINE: I would move that we add to our report -- I think we can do it in the same -- as what Steve -- in the same areas where -- or just after the last one that did, moved. That we add to the report a statement regarding water, sewer, or other taxing districts coming under the jurisdiction of the municipality in which they lie.

MR. HUDSPETH: If I may just add one more, does "taxing districts" include things like fire districts? Is that a taxing district.

A VOICE: Yeah.

A VOICE: Yeah.

REP. SPALLONE: All right. Well the motion has been made, and has it been seconded?

VOICES: Second.

REP. SPALLONE: There's a second. Is there any further discussion on this proposal?

Yes, sir.

A VOICE: Just a point of clarification, what the motion does is have the report recommend that taxing districts like a fire district, will be subject to the municipal code, and enforcement will be through the municipal board of ethics and that we're also recommending that other kinds of political subdivisions, the Legislature look at how those should be regulated.

REP. SPALLONE: I was -- I was distracted during the time when the motion was made, so I don't know if that very last sentence that you suggested is included.

MR. HUDSPETH: I think that was what we were --

Is that okay you, Bob?

MR. VALENTINE: That's fine.

MR. HUDSPETH: Fine. Okay.

MR. VALENTINE: The intent is the same, so you could -- you pull it all in.

MR. HUDSPETH: Yes. That's the idea and I'm sure our able counsel will figure out how to put

this all together.

A VOICE: There are lots of lawsuits (inaudible) kind of political subdivisions (inaudible) taxing districts and it may not -- in the practical world work for some of those subject to the jurisdiction of a municipality. I think (inaudible).

REP. SPALLONE: Okay. Very good. So this motion has been made by First Selectman Valentine, seconded by Attorney Hudspeth and is on the floor at this time. Is there any further discussion?

If not, all those in favor, please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed?

None opposed. The motion carries. The amendment is adopted.

I thank the members for their hard work on that one.

Just wanted to remind members when you're speaking, for the purpose of the record to be sure that we're mindful of -- that we distinguish what a municipal ethics code might include and what the enabling legislation that we're recommending would include. Just so that you're careful in speaking for the record, so that it's clear when we're sorting out this language on these motions we made.

Is there any further amendments to be offered?

Yes.

A VOICE: Should we then try to address the last sentence that appears on this page under item number five? The sentence that says, "Finally we recommend that a sample code be included in the legislation in the form of the attachment to this report," that reference derives from what is found on the page four, in the sentence we already looked at and that Mr. Kendzior recommended, and we all approved moving the one that right now is -- begins on the third line that says, "Legislation should include a sample code of ethics to be adopted" and so on. And I understand that there are members of the task force that have very strong views on that to the contrary. And so perhaps we should just open it up for discussion, and I will not make an amendment at all at this point --

REP. SPALLONE: Okay.

MR. HUDSPETH: -- which you recommended before, Mr. Chairman.

REP. SPALLONE: Okay. That sounds good.

Who would seek -- anyone seek recognition at this time?

Yes, Larry.

MR. KENDZIOR: I guess I would make two points. The first is that the drafting of model code of ethics for municipalities is really a very complicated task. And there will be any number of points of view on any number of provisions, and some of those may be fairly complicated and may require a great deal of research. I read the attached code that -- there are particular points in there that I

have issues with. I can think of some things that I would like to add to it. I think it needs a much more fulsome process than we're able to provide here today. So I am opposed to attaching a model code. I think once we do that, that model is going to become the vehicle by which -- the Legislature recommends the model, and I'm not sure that this is a model that I necessarily agree with all the points or on which I think every necessary point is included.

Secondly, even though I have to confess that, as you all know, I was probably the person who probably participated the least in the hearings that this task force had, reading and listening to what occurred at those hearings, I think that was a very good process. I know that the Legislature when they would be considering a model code would have hearings that people would be able to make submissions and come up and testify. It's not quite the same thing as the work of a task force like this in two respects. First, the task force actually went out to different localities in the state. And secondly, you do have some points of view on the task force that are necessarily those of state legislators, with all due respect, Mr. Chair. So frankly, if we were to make a recommendation here I would recommend to the Legislature that they either continue to work with this task force or plan another task force to develop that model code.

So two different points. I don't think we should be submitting a model. I don't think we've really done the work that's necessary to be able to make that sort of recommendation. And secondly, I do feel that there is value in having a task force like this work on that issue prior to the Legislature considering a

particular model.

REP. SPALLONE: Anyone else seek recognition?

MR. VALENTINE: Yes.

REP. SPALLONE: First Selectman Valentine.

MR. VALENTINE: I wonder within the report there are some standards, some basic things that each and every municipal ethics code should have. The process that we used -- actually used part of Wilton's for Goshen -- looked at ethics codes throughout the area or various other ethics codes that we could get our hands on. And we appointed an independent group, three individuals who went and reviewed all of those and made a recommendation. Those people knew our community well. They had served in various capacities over the years, and one was actually a mayor from an adjoining town. One was a former member of the board of selectmen from years ago, and one was a (inaudible). I wonder whether or not there should be -- I suppose a model in the sense that you could -- you could choose the model, but I think I'd be opposed to dictating exactly what a code of ethics would be specifically other than to say that they should have certain things.

REP. SPALLONE: I'd like to take a moment to comment on this, and then I'd like to recognize Mr. Hudspeth.

But I wanted to mention that the state did promulgate a model code years ago, and I've been advised by staff that the Office of State Ethics is working on updating the model code and will be completing that within about two weeks. So that's kind of important for us to bear in mind as we go forward. The reason I

think that we suggested putting a model code in the legislation, not necessarily in our report, but in the legislation is to be mindful of the testimony that we've heard about the cost of developing it. So we wanted to give people in our towns options -- and cities -- to say, all right, we'll just take that one off the shelf and use it.

People -- towns and cities might not opt to do that. They might say, there are too many nuances, too many things specific, we're willing to spend a little time either with our municipal lawyer or with -- working with National Conference of Mayors or whatever it is, to pick something else. But we wanted to say, here's a free code you can use, being mindful of the cost. So that was the policy reason I think for including it in our report.

At this time, I would say I do have to come -- I do come down on not including a model for the reason that, one, the drafting is a difficult and arduous process that we haven't spent time on, and second, the Office of State Ethics issue of a code pending.

Linda.

MS. SMITH-CRIDDLE: Yes, I would like to sort of speak to the support for providing at least minimum provisions. Because this is not a code according to the report; this is simply stating some minimum provisions. And I think that is at least valuable, and if the state ethics group is going to be putting together a model code, I see no reason why that could not also be promulgated. Primarily for the reason that it takes -- it takes a group of people who have been pulled together, most of whom don't know each other well, and probably don't

know a whole lot about ethics committees, it takes a long time for them to get up to speed. I'm talking a couple of years. And to think that we are going to ask all of the municipalities in the state to get up to speed in two years, I mean to have one working in two years without putting something out there for them to work through and off, I think is shortsighted.

So I guess that's all I have to say. I just -- I can just remember very well the experience of -- of our town, which still doesn't have one. It's been five years. So you can get so bogged down in detail that you're just never going to make it. So if we ever expect the entire state to be ready in two years, I think we really have to help them along, understanding that these are only models. If they -- in order -- why should each town have to -- have to find out, well let's see who are the cities that have -- are similar to ours? And then you have to do all this research, and in the end there are a whole lot of people doing the same thing. And so that's my -- that's my strongly held view about providing some help along the way. Thank you.

REP. SPALLONE: Mr. Hudspeth.

MR. HUDSPETH: Yes. Thank you, Mr. Chairman.

I think in light of the comments that I just heard, that perhaps I'd suggest a revision here, and I'm particularly mindful of what Ms. Smith-Criddle has just said. What if we were to do this and to emphasize her point, that what we're not about here is some required form of code that is part of the legislation that towns and municipalities have to adopt,

but rather, here's a simple way or here's a possible way of doing it, and you don't have to spend any more legal expense, anything else -- here it is, if you want to adopt it, you can go with it. I think one way that we might do that is by going to the top -- and I'd withdraw my previous proposal and therefore substitute this for it -- is that all right, Mr. Chairman?

REP. SPALLONE: There was no motion pending so...

MR. HUDSPETH: Oh, that's right. I forgot. All the more -- good reason to do it that way.

In any event then, to go to page four and take that sentence that we had moved as a result of Mr. Kendzior's motion that had been adopted earlier -- the sentence that begins -- I think "such" instead of "any" -- "such legislation should include a sample code," and blah, blah, blah -- take that sentence and have it say something like this; "such legislation," instead of "should," "might profitably include a sample, but not a required code of ethics that could be adopted," and so on. And that's what I would propose as a motion -- I would link that also with the possibility I'd like to suggest which is on page two, in the last paragraph before the findings, adding an "Appendix 7" that would contain several samples. And I would suggest that the Meriden code, our code -- Wilton code, which I've tried to generalize in this attachment I sent to you all -- and those others be put in there so that there will be some samples that people can look to immediately if they want something, and that will be out there, but obviously with no compulsion involved. So that would be my twin suggestion, which if it's appropriate now to make it as a motion,

I'd propose to do.

A VOICE: (Inaudible).

MR. HUDSPETH: Okay. We'll hold off.

REP. SPALLONE: If you could hold for just a moment.

MR. HUDSPETH: Sure. Absolutely.

REP. SPALLONE: I -- I had an idea, which was to perhaps -- and I want to see what the task force members think. This one's a little "on the fly" -- is that we could -- and it says "appendix." We could reference in the report that there is a sample, that in the appendix there is a sample task -- there's a sample ethical code that was developed by two of the task force members or something like that. Just so it's there for review, I mean you put some work into this, I think perhaps it's well to reflect it. And I sort of was grasping on to your idea of perhaps having a couple of samples in the task force report.

MR. HUDSPETH: That would be great by me.

REP. SPALLONE: I'm not sure we need to change the language on page four, but perhaps maybe add language concerning the addition to the appendix. Before I make a motion or anyone else does, any thoughts on where we're headed there?

Yes, Mr. Kendzior.

MR. KENDZIOR: I guess first of all just a question, you're suggesting attaching Mr. Hudspeth's model code to the report?

REP. SPALLONE: Right. But not -- I'm suggesting attaching it for informational purposes only. I meant to actually use those words.

MR. KENDZIOR: I'd have to -- I have to say I would remain opposed to that. Attaching any particular code is going to -- that will become the thing that people look at, the vehicle for further discussion assuming that people are reading our report. Frankly, if we wanted to attach something, I'd prefer to attach the 19 -- whatever it is, 1995-96 model that was originally drafted by the State Office of Ethics. It's hard to -- for me to endorse attaching something that we really haven't reviewed, reflected on, even if it is only for informational purposes, just because I feel that that's then going to become the vehicle for discussion.

The report, as it's written, calls for the legislation to contain a -- as the Chair noted -- to contain a sample code so towns could take it off the shelf. And I -- I think that's frankly the best recommendation, to leave that alone and let the Legislature decide what sample code they want to attach.

REP. SPALLONE: Okay. The task force will stand at ease for a moment.

(End of audio file 10).

REP. SPALLONE: All right. And any further comments?

Yes.

A VOICE: Yes, there is --

A VOICE: Either one of us I guess --

REP. SPALLONE: Mr. Kendzior.

A VOICE: We had a short discussion here, and I think -- I think we would jointly agree to recommend that rather than attaching the sample in the fashion we've been discussing, that we simply take Mr. Hudspeth's earlier suggestion of on page two putting a phrase in that says, "attached are samples of municipal codes of ethics" or words to that effect as "Appendix 7," just let it go with that.

REP. SPALLONE: I think that would be appropriate; however, I think it's important to include language to the effect of that they are being included only for informational purposes for the Legislature and others who may be reading the report. And that adoption of these or similar codes from this report does not constitute compliance with any subsequent legislation.

A VOICE: So moved.

REP. SPALLONE: No motion has been made yet. But any further comments?

A VOICE: I'm trying.

REP. SPALLONE: Yes, Linda.

MS. SMITH-CRIDDLE: A matter of clarification, we were focusing on page four, minimum provisions. Have we moved toward making any changes there, or do they remain so far?

REP. SPALLONE: They remain so far.

MS. SMITH-CRIDDLE: Thank you.

A VOICE: All right. Then, Mr. Chairman, may I try a motion at this point?

REP. SPALLONE: Yes, you may.

A VOICE: All right. My suggestion is this, that we take the sentence that's found on page four, moved now to the end of the carryover bullet point on that page that refers in language we slightly altered -- and I don't have in front of me, which says something like, such legislation should include a sample code of ethics and continues from there that between the word "sample" and "code" be inserted the words "but not required" code of ethics that could be adopted, to make it absolutely clear what we're saying here. And that, second, we include on page two, right before the heading "Findings" and as a final sentence of the paragraph that ends right before "Findings," a statement that says, Appendix 7 contains several sample municipal codes that -- and I might add, but we'll see whether you'd agree to it -- that contains the substantive provisions recommended intra -- in this report and is offered by one or more members of our task force -- or however we want to put that. But that would be the general gist of it.

REP. SPALLONE: Okay. May I take a stab at it?

A VOICE: Sure. That would be wonderful.

REP. SPALLONE: Motion hasn't been -- let me try a little drafting here. Appendix 7 contains sample -- I'm not sure if it will be several or a couple -- so let's say, Appendix 7 contains sample municipal codes, period. I don't want to say whether or not they comply with these other sections because I don't

know.

A VOICE: That's fine.

REP. SPALLONE: Okay. Appendix 7 contains sample municipal codes, period. These samples are provided for informational purposes only for members of the General Assembly or others who may be utilizing this report, period.

A VOICE: That's wonderful.

A VOICE: Good.

REP. SPALLONE: Adoption of any of these sample codes does not constitute compliance with any subsequent legislation, period.

A VOICE: May I accept that amendment except for the last sentence, which I think may create more issues than it resolves.

REP. SPALLONE: Okay. Could you elaborate?

A VOICE: Just that if I'm hearing the last sentence correctly, it's basically saying that -- it could be read affirmatively to say that, if you adopt these codes you haven't complied with the legislation. And I don't think that's what you intended, but I think that's the negative inference in the language.

REP. SPALLONE: Right. What I'm trying to avoid is any community thinking that just taking these codes from our task force report would be sufficient whereas they would have to comply with any subsequent legislation.

A VOICE: I think we should add, these codes have no task force (inaudible), period, as the last sentence.

REP. SPALLONE: Could you elaborate on (inaudible)?

A VOICE: Well, it means that -- I think we would be saying what I believe your sentence was intended to communicate that last sentence, which is simply that, the task force is not holding these up as necessarily the model that the task force would adopt, were it to do what Mr. Kendzior has suggested is one possibility, which is to continue to deliberate and try to come up with a model of our own. And that's -- that's the use of the word (inaudible) I meant in that context.

REP. SPALLONE: Okay. I think actually, if I could go back to my language and I what I would say is -- I think I tried to say too much, which we sometimes do here. I think I should have said, these sample codes are provided for informational purposes only for members of the General Assembly and others utilizing this report, period. And leave off the -- I think the disclaimer that I tried to draft is self-evident.

A VOICE: I accept it with that.

REP. SPALLONE: Okay. All right. So that is -- I've set forth the language. I now make that a motion for an amendment. Is there a second?

MR. HUDSPETH: Second.

REP. SPALLONE: It's been seconded by Mr. Hudspeth. Are there any -- is there any further discussion? If not, I would call for a voice vote. All those in favor of the amendment signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it. The amendment is adopted.

A VOICE: Thank you.

REP. SPALLONE: Any further discussion at this time?

A VOICE: May I add that -- I just want to be sure on what we were doing on page four with that new sentence. I'm not sure the motion was explicit on this because I think the motion on this final version focused more on the reference to Appendix 7, did we include within the motion the reference to a sample but not a required code of ethics? Adding the words "but not a required"?

REP. SPALLONE: You know, for purposes of the record I would say no. My motion did not include that. So I think that if you would wish to make a motion to that effect now --

A VOICE: If I may. Thank you, Mr. Chairman.

I would move that in the sentence which appears on page four and has been moved to the very end of the carryover bullet point at the top of that page, that the words "but not a required" be inserted between the words "sample" and "code of ethics" so that the phrase would read, "a sample, but not a required, code of ethics."

REP. SPALLONE: Is there a second?

MR. VALENTINE: Second.

REP. SPALLONE: It's been seconded by Mr. Valentine. Any further discussion? If not, I'd call for a voice vote. All those in favor of the motion signify by saying, aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

Okay. The motion carries and the amendment is adopted.

Is there any further discussion at this time?

A VOICE: If I may add another one -- these are smaller in nature. On page two, at the end of the text of the sentence just before the "Findings" paragraph begins, as it exists before the amendment we just made referring to Appendix 7 -- is referenced there, "at three public hearings the task force received written and oral testimony from members of the public and municipal officials." Could we there say, copies of written testimony are attached as Appendix 6. My thought in doing that is we did have some written submissions that might be useful for the Legislature to see. On the other hand,, I can also understand that people are concerned that that might give undue weight to written submission as opposed to oral.

REP. SPALLONE: I agree with your last statement. I'm also concerned about some of the informality or extraneous material that was contained in some of the written testimony. So therefore, I would not favor such an inclusion.

A VOICE: All right. That would then mean the appendix we referred to before would be

Appendix 6 and not Appendix 7.

REP. SPALLONE: That's correct.

A VOICE: I created that problem because I got to Appendix 7 before the Appendix 6 I was going to propose which I have now withdrawn.

REP. SPALLONE: All right. So for the record, this is just a -- this is a technical matter that the prior motion referring to "Appendix 7" will refer to "Appendix 6" containing the sample municipal codes.

Anything further at this time?

MR. HUDSPETH: There is one --

REP. SPALLONE: Yes?

MR. HUDSPETH: -- last thing, if I may, Mr. Chairman. I apologize to the whole task force if I'm wearing out your patience on this -- page four is the bullet point that appears on that page in full, under item C I would have made this as a technical amendment, but I think there's some substance to it. So I thought we better treat it separately. That section says, "Gift provisions that prohibit public officials and employees from soliciting or accepting anything of value that could influence the actions or judgments of such official or employee," I would like to suggest adding after the word "could" that appears at the end of one of those lines I just read, the words "reasonably be expected to." So that the phrase would read, "accepting anything of value that could reasonably be expected to influence the actions or judgments of such official or employee."

REP. SPALLONE: Any -- well, is there a second to that?

Is that a motion, sir?

MR. HUDSPETH: That's a motion, yes.

REP. SPALLONE: Is there a second to that?

MS. SMITH-CRIDDLE: Second.

MR. VALENTINE: I would second it.

REP. SPALLONE: Is there any further discussion about it?

A VOICE: I would just add that had my -- if I had my druthers it would just be "nothing," period. You don't accept anything. Then there's no question whether it influenced you or not.

REP. SPALLONE: Yes.

A VOICE: (Inaudible).

MR. HUDSPETH: It's just to put in a -- that's where I -- to some extent is clarification, but I do think there's a substantive element in there. And that I do think it's intended to say, look, if somebody a \$50 book gift that's been given for the ten years at the holiday season, and they got it from somebody that's not to be deemed -- a violation of this provision as would be determined by the -- it really leaves to the local ethics commission with a fair degree of latitude. The way it's written now, if you got anything, including a pencil from somebody, you could conceivably be found to be violating this. This -- you know -- hopefully the language as it exists could

influence the action or judgments that a panel would apply reasonably and say, well, the pencil's surely not going to do that. But this just makes explicit "could reasonably be expected to."

MS. SMITH-CRIDDLE: It's also a nice ethical touch, based on the "reasonable person standard."

REP. SPALLONE: And I'd just remind the group that these are -- we're recommending that the legislation require a municipal code that includes these things, so we're fairly far removed. But I think in light of some of the interaction that might occur between people that -- it be seen as a gift, like giving somebody a ride home or something, that this is reasonable language to include, and I would favor it. I think the motion was made by Mr. Hudspeth. It was seconded by Mr. Valentine, so it's pending. Is there any further discussion?
If not, I call for a voice vote. All those in favor signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed say, no.

The ayes have it. The amendment is adopted.

Does anybody seek recognition at this time?

A VOICE: One last vanity thing. Could we put the names of the other members of the task force on the cover?

That's my last -- truly I've (inaudible), would that be possible?

Counsel will accommodate us on that.

REP. SPALLONE: Sorry.

A VOICE: (Inaudible).

A VOICE: It's commonplace that for task forces
that the membership list is actually included
in the appendix.

REP. SPALLONE: Oh, okay.

A VOICE: If that's the way it's done, that's fine
by me.

MS. SMITH-CRIDDLE: Sounds like it's Appendix 8.

A VOICE: That's fine.

REP. SPALLONE: No. It's actually already in
there. Appendix 1.

MS. SMITH-CRIDDLE: And I just have a name change,
it's not a name change but a spelling change.
It's C-r-i-d-d-l-e, I've tried to change it
many times but it's never...

REP. SPALLONE: It's correct in the appendix.

MS. SMITH-CRIDDLE: Thank you.

REP. SPALLONE: Yes. It's correct in the appendix.

Any further -- any concluding comments from
members of the task force?

Thank you.

Yes, I'd just conclude by thanking all the
task force members for their hard work.
Especially today, going through line by line

can be very difficult.

Yes?

A VOICE: Quick question, Mr. Chairman, do we need to adopt the report as amended?

A VOICE: Yes.

REP. SPALLONE: Yes we do. Yes we do.

That was the motion that was made and seconded at the very beginning of this meeting. It was already made and seconded and then entertained amendments. So now there is a motion on the floor that has been previously made and seconded to adopt the task force report. Is there any further discussion of that motion?

A VOICE: As amended?

REP. SPALLONE: As amended. Task force report as amended. Is there any further discussion? If not, I'd call for a voice vote. All those in favor of adopting the report as amended, please signify by saying aye.

VOICES: Aye.

REP. SPALLONE: Any opposed, no.

The ayes have it.

A VOICE: Just a question. Once the changes have been made, will that be e-mailed out? Possibly so we just have a copy of that.

REP. SPALLONE: Yeah.

A VOICE: Jared could you --

REP. SPALLONE: Yes. Yes it will.

A VOICE: Thank you.

A VOICE: Mr. Chairman, if I may, just one final point. I think I say on behalf of all of us, many thanks to the drafters of this report, you all did a really fine job in reflecting views that we could all come to accept quite readily in a couple of hours, which is pretty amazing.

REP. SPALLONE: Yes. Yes, I would like to thank the staff for their work and their work that they're going to do in advance of parsing through our amendments. And I'd, again, thank the members of the task force for their hard work, Senator Slossberg, our staff here. And I urge members of the task force to follow the legislation, consider coming up and testifying if you have an opportunity. And it has been a pleasure meeting with -- meeting and working with all of you over the last several months, and I think the state should be grateful for the work that you did on this. Thank you very much.

REP. SPALLONE: Is there motion to adjourn?

A VOICE: I move.

A VOICE: I move.

REP. SPALLONE: All in favor say aye.

VOICES: Aye.

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February 20, 2009

md GOVERNMENT ADMINISTRATION AND
ELECTIONS COMMITTEE

1:00 P.M.