

Re: Stamford Code of Ethics

We are unsure of the origination or the specific goal of the proposed Amendments but we recognize that much time and effort was invested so far. Please do not interpret our comments to be an endorsement of all proposed Amendments. Certainly, some improvement is warranted and welcomed, but there are significant changes that are not practical.

The following are some suggestions and questions for the authors of the proposed Amendments

A. Practical and Procedural issues: the following questions address some procedural issues presented by the proposed Amendments:

1. Elimination of the first unnumbered paragraph of the current §19-4 seems to narrow the definition of conflict-of-interest to a monetary or commercial advantage. The current Code includes conflicts arising from civic, fraternal, religious or other not-for-profit relationships, and personal bias or animosity.
2. Because of the Amendments to §19-2(B), the Code seems to apply to people who are not an Officer or Employee with use of the phrase: “candidates for public office, persons doing business with the City, and lobbyists”. Certainly, successful candidates for public office are Officers governed by the Code, but unsuccessful candidates are not Officers. If this goal is to include “persons doing business with the City, and lobbyists” under the Code, more detail is required.
3. Because electronic mail is available and reliable means of communication, consider adding email to the acceptable methods of delivery and notification of Board action instead of relying exclusively on certified mail and personal delivery by Sheriff, or constable in §19-14D(1)(c), §19-14D(1)(d), §19-14D(3)(b), §19-14D(3)(d)(ii) and §19-14D(5)(a)(4).
4. The Amendments imposed new deadlines for the Board to act that are unrealistic and create a practical obstacle for compliance. In §19-14(D)(3)(d)(ii) 3 days is far too short. We recommend 10 business days.
5. Because the proposed Amendments use “**Investigating Committee**”

- a. Once the Investigating Committee determines Probable Cause on a complaint, does the Investigating Committee negotiate the Stipulated Agreement with the Respondent or does the Ethics Board negotiate? Currently the Investigating Board initiates the dialogue with the Respondent concerning a possible agreement. The proposed Amendments to §19-14D(3)(d)(ii) and §19-14D(3)(e) are silent on this role. We recommend retaining the current procedure.
 - b. Once the Investigating Committee determines Probable Cause on a complaint and prepares its Report, does the Investigating Committee notify the parties or does the Ethics Board notify them? Currently the Chair of the Ethics Board performs that task. The proposed Amendments to §19-14D(3)(d)(ii) are silent on this role. We recommend retaining the current procedure.
6. For the proposed Amendments to §19-4 concerning an Officer's Disclosure of a conflict; is §19-4(B) in **addition** to the disclosure obligations for Officers and Employees in **§19-11**? Shouldn't **§19-11** be changed to say that?
 7. For the proposed Amendments to §19-14D(4)(a) concerning Extensions of Time, please consider deleting the proposed term "delay" and replace it with "extension" to more accurately describe the purpose.
 8. For the proposed Amendments to §19-14(A)(2), We recommend that appropriate training be required for all board members, (not nominees). Is the State "Ethics 101" the appropriate program for dealing with municipal protocol?

B. Clerical issues: the following comments to address some clerical issues:

1. For the Definitions,
 - a. The defined term "Officer" should be used instead of "Official" or "City Official" which is found in 31 instances in the Amendments to describe an Officer.
 - b. The defined term "Affinity" only referenced marriage and there are other relationships that should be considered.
2. Because the proposed Amendments use these terms repeatedly without specific definition, please consider adding "**Complainant**" and "**Respondent**" as defined terms in §19-3. **Complainant:** A person who filed a written complaint with the Board of Ethics that

- alleged that a violation of the Code of Ethics has occurred under §19-14(D). **Respondent:** A person against whom a written complaint was filed with the Board of Ethics that alleged that a violation of the Code of Ethics has occurred under §19-14(D).
3. In the Amendment to §19-3, the definition of “Benefit” only references an Officer or Officer’s family. Shouldn’t this provision also apply to Employees and their family?
 4. In the Amendment to §19-5(A) in the last sentence of the paragraph only references an Officer. Shouldn’t this provision also apply to Employees?
 5. In the Amendment to §19-5(D) and §19-5(E) there is an inconsistency when describing an Officer’s work –it should read as follows in both sections: “participate, deliberate, comment or vote”
 6. Because the proposed Amendments introduce the phrase “**Investigating Committee**” as a defined term in §19-3 to replace “Investigating Board” please consider replacing “Investigating Board” where it appears to define Probable Cause in §19-3, and in §19-14D(1)(b) and §19-14D(3)(f)
 7. In 19-3 definitions, delete Investigating board members in its entirety.
 8. In 19-3 definitions, Investigating Committee: Committee consisting of three (3) members of the Board of Ethics, including alternates, formed pursuant to Section 19-14D(1)(b). No more than two (2) members of the Investigating Committee shall be registered with the same political party.
 9. Consider revising the definition of Hearing Board members to Hearing Committee members to conform with the definition of Investigating Committee