



## ***Special Code of Ethics Revision Committee – Board of Representatives***

Benjamin Lee, Chair

J.R. McMullen, Vice Chair

# **Committee Report**

**Date:** Thursday, February 4, 2021  
**Time:** 7:00 p.m.  
**Place:** This meeting was held remotely.

The Code of Ethics Revision Committee met as indicated above. In attendance were Chair Lee, Vice Chair McMullen and Committee Member Reps. Curtis, Fedeli, Miller, Morson, Sherwood, Stella, and Zelinsky. Also present were Reps. de la Cruz and Nabel.

Vice Chair McMullen called the meeting to to order at 7:05 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">COE30.005</a>	ORDINANCE for publication; Amending <a href="#">Chapter 19</a> of the Code of Ordinances, Code of Ethics 08/05/20 – Submitted by Rep. Lee 09/01/20 – Held by Committee, as amended, 9-0-0 09/23/20 – Held by Committee, as amended, 9-0-0 10/27/20 – Held by Committee, as amended, 8-0-0 <b>12/21/20 – Held by Committee, as amended, 9-0-0</b>	<b>Held 9-0-0</b>

The committee continued to review the Code of Ethics.

A motion to amend Section 19-14(3) to add a new subsection (e), as follows, was made and seconded:

**(e) All Stipulated Agreements shall include language indicating the Respondent requests the Stipulated Agreement be made public and posted on the City of Stamford's public website. The Board of Ethics is to ensure Stipulated Agreements are posted to the City's website within five (5) business days of the agreement being signed by the Respondent.**

The Committee had extensive discussion concerning this proposed amendment. Items discussed included the following:

- This change would be consistent with state statute and enhance transparency
- If a respondent does not want the stipulated agreement made public, they would have to proceed to a public hearing
- State statute does not require publication of the stipulation, but it is the practice of the state Board of Ethics to include this language
- The Board of Ethics should be asked about whether this specific timeline makes sense
- This enables transparency and a teachable moment for the public

- There may be valid reasons why a respondent does not want a stipulation made public; a respondent should be able to preserve their privacy or prevent undue harm to their family
- A finding of probable cause is public already
- Probable cause is not equivalent to guilt; it means there is sufficient evidence to investigate; the stipulation is a way to protect an individual from harm beyond what is contemplated by the Board of Ethics
- This Code applies to employees as well as City officials
- The ethics opinions provide more guidance than the stipulated agreements
- A stipulated agreement is comparable to a plea bargain; it does not mean someone committed an ethics violation
- Why wouldn't someone who did not commit a violation go for a public hearing
- Maybe more control should be given to the Board of Ethics, e.g. a 2/3 vote to make a stipulated agreement be private or unanimous for public officials
- This should be more nuanced

The motion was approved by a vote of 8-1-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Sherwood, Stella, and Zelinsky in favor; Rep. Morson opposed).

A motion to amend former section 19-14(3)(d) to rename it as subsection (f) and change "Board members" to "Committee" was made, seconded and approved by unanimous voice vote.

A motion to delete former section 19-14(3)(e) was made and seconded. This section is inconsistent with 19-14(d)(ii). This motion was amended to move former section 19-14(3)(e) as new section 19-14(d)(ii) and was approved by unanimous voice vote.

A motion to change the time period in new section 19-14(d)(ii) from "seven (7) days" to "three (3) business days" was made, seconded and approved by unanimous voice vote.

It was noted that a request should be made to the Law Department to determine the extent to which the Board of Ethics must comply with the time requirements contained in the state statute.

A motion to add the language "that includes a brief description of the extraordinary circumstances used to justify the delay" to section 19-14(4)(a) was made, seconded and approved by unanimous voice vote.

A motion to add the language "if not controlled by state law" to the first paragraph of section 19-14(4) was made, seconded and approved by unanimous voice vote.

It was noted that the section citation contained in subsection 19-14(4)(b) to C(4)a may no longer be correct. The Legislative Officer will check this.

A motion to amend subsections 19-14(4)(d) and (e) as follows was made and seconded:

(d) ~~Upon the request of either the complainant, the respondent or any member of the Board, the Board shall cause the hearings to be recorded and a transcription to be made.~~ All hearings shall be recorded and made available to the public on the City's website. If a copy of the transcript is requested by either the respondent or complainant, the requesting party shall bear the costs for the same.

(e) The Board may subpoena witnesses to testify and may compel the production of documents and other effects as evidence, and failure to obey such subpoena shall constitute a misdemeanor.

This motion was amended to add the word “public” before the word “hearings”, and approved by unanimous voice vote.

It was noted that the form described in Section 19-14.D(6)(b) was requested from the Board of Ethics. The Legislative Officer will distribute the response.

A motion to amend Section 19-15.A(3) as follows was made and seconded:

By a municipal employee may be a-grounds for termination, a demotion in rank or grade discharge, suspension, with or without pay, and/or a recommendation to his or her their supervisory authority for appropriate disciplinary action under Sec. C6-140- 8(14) of the Stamford Charter.

This motion was amended to change “their” to “such employee’s”

The question was raised as to whether these steps are consistent with the City’s union agreements. This question should be raised with the Law Department.

The motion was approved by a vote of 8-1-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood and Stella in favor; Rep. Zelinsky opposed).

Item No. 1 was held, as amended, without objection.

Chair Lee adjourned the meeting at 9:18 p.m.

Respectfully submitted,  
Benjamin Lee, Chair

This meeting is on [video](#).