



Special Code of Ethics Revision Committee – Board of Representatives

Benjamin Lee, Chair

J.R. McMullen, Vice Chair

Committee Report

Date: Wednesday, June 2, 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 Rep. de la Cruz and Kevin Quinn, Board of Ethics Alternate.

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

Item No.	Description	Committee Action
1. COE30.005	ORDINANCE for publication; Amending Chapter 19 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 12/21/20 – Held by Committee, as amended, 9-0-0 02/04/21 – Held by Committee, as amended, 9-0-0 02/18/21 – Held by Committee, as amended, 9-0-0 04/08/21 - Held by Committee, as amended, 9-0-0	Held 9-0-0

Chair Lee explained that the Committee had only recently received comments from the Board of Ethics. Given the short time to review the comments, he proposed the Committee go through the comments at a high level and determine which require further discussion.

Rep. McMullen reviewed the [comments from the Board of Ethics](#) individually and noted that a revised draft of the revisions was sent to Committee members immediately prior to the meeting which includes the changes made by the Committee, proposed non-gendered language and language for what he believes to be the non-controversial changes proposed by the Board of Ethics.

Comments on the Board of Ethics comments included the following:

- **Section A.1.**
 - Rep. McMullen was unable to locate language in the current version of the ordinance which includes “conflicts arising from civic, fraternal, religious or other not-for-profit relationships, and personal bias or animosity.”
 - Section 19-4 was replaced with 19-5

- The current Code does not contain a detailed definition of conflict. Chair Lee noted that the revised version of "conflict of interest" was based on best practices identified in the San Antonio code, which precisely defined a conflict and thereby avoids the issue raised by Rep. McMullen.
- **Section A.2.**
 - This is a fair recommendation and the language should be taken out because these people are not within the jurisdiction of the Board of Ethics
- **Section A.3.**
 - Rep. McMullen is concerned about relying solely on email notification for something this important, as things may go to spam or be unseen due to the volume of email
- **Section A.4.**
 - Rep. McMullen stated that this time deadline is imposed by State statute (CGS 1-82a) that applies to the Board of Ethics and he does not believe the Board of Representatives has the authority to change this
 - Chair Lee stated that he would request an opinion from the Law Department regarding the Board's authority to change this timing
- **Section A.5.**
 - Rep. McMullen stated that using Investigating Committee rather than Investigating Board members should clarify this.
 - The stipulated agreement should not be done concurrently with a finding of probable cause. The Committee may want to clarify this language to ensure the procedure is followed correctly
- **Section A.6.**
 - Rep. McMullen stated Section 19-11 reverts back to Section 19-4(B). No change is needed
- **Section A.7.**
 - Rep. McMullen has no issue with changing "delay" to "extension". "Delay" might imply some shortcoming on the part of the Board of Ethics.
 - More importantly, any extension should include an explanation
- **Section A.8.**
 - Rep. McMullen stated that the goal is to ensure that training take place, but it is fair to not require it of people before they are appointed. There should be no participation until the training had occurred.
- **Section B.**
 - Rep. McMullen stated that the changes in 1-7 are included in the draft submitted to the committee members for review. He does not agree with the change proposed in 8.

Chair Lee summarized the comments as highlighting a few key points for consideration and several useful drafting notes, and concluded that the drafting was not far off. He then proposed that the committee meet twice in June to finalize edits in advance of the July meeting. Discussion followed, with committee members being generally favorable towards such a faster pace.

Chair Lee adjourned the meeting at 8:06 p.m.

Respectfully submitted,
Benjamin Lee, Chair

This meeting is on [video](#).