



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

Benjamin Lee, Chair

J.R. McMullen, Vice Chair

# **Committee Report**

**Date:** Wednesday, September 22, 2021

**Time:** 7:00 p.m.

**Place:** *This meeting was held remotely.*

The Code of Ethics Revision Committee meet as indicated above. In attendance were Chair Lee, Vice Chair McMullen and Committee Member Reps. Curtis, Fedeli, Miller, Morson, Sherwood, and Zelinsky. Rep. Stella was excused. Also present were Rep. Summerville and Kathryn Emmett, Corporation Counsel.

Chair Lee called the meeting to order at 7:00 p.m.

Item No.	Description	Committee Action
1. <a href="#">COE30.005</a>	ORDINANCE for final adoption; 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 12/01/20 – Held by Committee, as amended, 9-0-0 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 06/02/21 – Held by Committee, 9-0-0 06/17/21 – Held by Committee, 7-0-0 07/19/21 – Approved by Committee, as amended, 9-0-0 09/01/21 –Public Hearing Held & Held by Committee	<b>APPROVED, AS AMENDED, 8-0-0</b>

Chair Lee reviewed the [proposed amendments to the ordinance](#) proposed by Chair Lee and Reps. McMullen and Sherwood, based upon the [comments previously submitted by Corporation Counsel](#). Proposed edits included:

Amending the definition of Benefit in Sec. 19-3, as follows:

*Benefit.* Any monetary, financial or ~~non-monetary~~ economic favor, consideration, aid, assistance, profit, advantage or accommodation that might be obtained by an officer or employee, or a member of such officer's or employee's Immediate Family, or a Business Entity with which such officer or employee is associated, that is not available to the

residents at large but is particular to the said officer, the officer's or employee's Immediate Family, or a Business Entity which such officer or employee is associated.

The term "benefit" is used in Sec. 19-8.A and B. They were trying to think of an instance where a non-monetary benefit would apply and determined that these benefits would be monetary in nature. .

Benefits for serving as an officer or director of a nonprofit would be addressed in Sec. 19-4 (8)

Amending the definition of Economic Interest in Sec. 19-3, as follows:

*Economic interest.* "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, ~~and~~ intangibles, and contractual rights, each having more than de minimis value. Ownership of stock in a publicly traded corporation does not constitute ownership for purposes of this code if the employee or ~~official~~ officer owns less than five (5%) percent of the voting stock or shares of the entity or the value of the stock is less than fifteen thousand dollars (\$15,000.00).

Chair Lee stated that it was not necessary to have the term "non-monetary" to achieve the objectives of the committee.

Amending Sec. 19-4 (8), as follows:

(8)

- a. ~~An~~ Unless otherwise provided by law, an entity for which the city officer or employee serves as an officer or director or in any other policy making position; ~~or~~
- b. ~~Unless otherwise provided by law, an officer or employee shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if said individual or any member of said individual's Immediate Family or a business with which said individual is associated would be likely to gain or lose a benefit; or~~
- c. ~~Unless otherwise provided by law, no officer or employee, or any member of such officer's or employee's Immediate Family, or any Business Entity with which such officer or employee is associated, shall engage in any business transaction or arrangement with any municipal division of the City of Stamford.~~

Deleting b. and c. addressed grammatical issues as well as that these provisions are duplicative. :

Adding "unless otherwise provided by law" addresses the situation in which members of the Board are appointed to other boards or commissions in their official capacity.

Amending Sec. 19-5.A, as follows:

**Sec. 19-5. - Prohibited interests.**

- A. General rule. A city officer or employee may not use such person's official position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including for such person) any form of special consideration, treatment, exemption, or advantage ~~beyond that which is lawfully available to other persons in violation of established or written city policy, procedure,~~

or legal requirement. A city officer or employee who represents to a person that such officer may provide such an advantage to that person based on the officer's position on a board or commission or employee's position with the City violates this rule.

For the avoidance of doubt, nothing in this provision shall prohibit constituent representation, notwithstanding that such representation may advance or impede private interests.

This is attempting to prohibit a city officer or official from bending or breaking rules in order to get a benefit.

Committee members discussed the second paragraph, regarding constituent representation and the possibility of acting for a future election endorsement or to benefit a political donor, with Director Emmett. Director Emmett noted that this paragraph would be true regardless of whether or not it stated. The consequences of acting only on behalf of people who make large election donations would most likely be at the polls. It is hard to distinguish acting on behalf of a supporter who made a smaller donation.

A motion to approve the proposed amendments was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood, and Zelinsky in favor).

A motion to delete the word "unfairly" from Sec. 19-5.A was made, seconded and approved by unanimous voice vote of 8-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood, and Zelinsky in favor).

A motion to Item No. 1 for final adoption was made, seconded and approved by unanimous voice vote of 8-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood, and Zelinsky in favor).

2. COE30.006      ORDINANCE for publication; Amending [Chapter 19](#)      **HELD 8-0-0**  
of the Code of Ordinances, Code of Ethics, to Use  
an External Arbitrator or Judge Referee rather than  
an Investigating Committee to Determine Probable  
Cause.  
08/03/21 – Submitted by Rep. Sherwood  
09/01/21 –Held by Committee

A motion to hold Item No. 2 was made, seconded and approved by unanimous voice vote of 8-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood, and Zelinsky in favor).

Chair Lee adjourned the meeting at 7:30 p.m.

Respectfully submitted,  
Benjamin Lee, Chair

This meeting is on [video](#).