

FINAL
Raymond Ethics Committee
January 4, 2005

I. Call to Order

Co-chairman Pat Larney called to order a meeting of the Raymond Ethics Committee on January 4th, 2005, at 6:30pm, in Room 101 of the High School.

Committee members also present:

Sandra Ellis, Co-Chairman
Marilyn Semple
Emery Landis
Gretchen Gott

Members of the Public present:

David Salois, Chief of Police
Joyce Wood

The meeting was televised by RCTV. The cameraman was Craig Fauth.

II. Pledge of Allegiance

Mr. Larney led the attendees in reciting the Pledge of Allegiance.

III. Proof of Posting

The proof of posting was confirmed by Ms. Semple for today's meeting.

IV. Public Forum

At the request of Mr. Larney, agenda item *VIII. Other Business 1. Question from Raymond PD* was moved into the Public Forum space in order to make the best use of Chief Salois's time.

Per an email from Chief Salois, a Raymond resident has approached him with the intention of donating two \$30 gift certificates from a local dry cleaner to the Raymond Police Department for the purpose of uniform cleaning. Chief Salois pointed out that the uniforms themselves are town property, and merely used (not owned) by Officers during their tenure here, although said Officers are responsible for the maintenance of their uniforms. The Chief's intention was perhaps to raffle off the certificates to the Officers, and the winners could then use the certificates to defray their uniform maintenance costs. The concern was about any possible appearance of impropriety if the Police Department were to accept these gift certificates, as the amount of each certificate is over the \$25 limit. (It was also suggested by the Chief that the resident could instead donate three certificates of \$20 each rather than two of \$30 each, the end result being the same.) He was clear that neither the resident nor the dry cleaner have any pending business before the Town, nor are either expecting to have any in the future.

After some discussion, the consensus was that since the uniforms are town property, and the certificates were not being given by the resident to specific officers, there was no conflict of interest if the resident wished to donate them to the Town itself, for the use of the Police Department.

No other Public Forum items were raised, so the Committee moved on.

V. Approval of Minutes

November 9, 2004: The draft of these minutes was reviewed; one change was made. Under *Agenda Item VII, New Business, Budget Meeting - Selectmen*, the word "default" was changed to "proposed" so that the paragraph

now reads:

The Ethics Committee's budget request will be included in the proposed Town Budget this year.

Ms. Ellis moved that they be approved as amended, Ms. Semple seconded; there was no discussion. The vote was unanimous in the affirmative; so moved.

VI. Old Business

Warrant Articles: The appropriate number of signatures have been gathered for the Ethics Committee warrant article, and Ms. Semple will take them to the Town Clerk in order to have them verified by a Supervisor of the Checklist. Although the wording of the warrant article had been approved by email poll before it was drawn up, Ms. Semple formally moved that we accept the wording of said article, and Mr. Landis seconded; there was no discussion. The vote was unanimous in the affirmative; so moved.

VII. New Business

Amendments to the Ethics Code: Areas of the Code of Ethics manual that are of concern to the members of the Committee were once again reviewed. Ms. Joyce Wood contributed significantly to these discussions.

1. **II A 1**, not all towns have the wording *appearance of conflict of interest* - is that necessary? The discussion rode on two trains of thought; first, that "many people" feel the Committee interprets the code too conservatively, but two, that perception can get one in as much trouble as reality.

Some points raised in the discussion:

- * appearance is very subjective, and including that wording makes the item less 'cut and dried' than not including it
- * the wording *appearance of* raises our code to a higher level than that of others
- * one should initially err on the conservative side - it is always easier to "loosen up" than it is to "tighten up" at a later date
- * the wording *appearance of* was deliberately chosen in order to be certain that people walked away from any contact with the Ethics Committee not only having been treated fairly but feeling that they had been treated fairly, thus hopefully reducing any instances of lawsuits against the town.

The final consensus was that this article would be left alone.

2. **IV A 4:** the word *alternate* is misleading and should be removed. There was no dissent. The new suggested wording, with square brackets indicating the deletion:

"Should a vacancy in the committee arise, the remaining members of the Ethics Committee shall elect a resident to serve as an [] Ethics Committee member until the next election, at which time the voters will elect a member to serve out the remainder, if any, of the term."

3. **IV B 3**, the article provides for annual training. How often is training really necessary? This discussion ended up digressing from the original intent, but with quite illuminating results. The original intent of the question was apparently that since it's difficult to get the town employees or board members (Public Servants) to actually attend the training sessions, perhaps the sessions don't need to be done as often.

Some points raised in the discussion:

- * a new, different, and more interesting kind of training is necessary
- * training dates were perhaps not well enough communicated
- * the intent of the Code Drafters was that professionals educators perform the training, not Committee members themselves
- * the Ethics Committee cannot force Public Servants to attend the training, nor are they expected to do so

A new kind of training has been discussed extensively and will continue to be discussed and worked on. Although having Professional Educators perform the training would certainly be easier on the Committee members, it was agreed that having the Trainer be someone intimately involved in the Town is invaluable as it means that they know what's happening in town right now and vice versa.

The final consensus was that this article would be left alone.

4. **IV D 2**, the wording *on written request* should be deleted, as allowing a Respondent to take part in his own defense should be automatic. Although the original intent of those words was to create a paper trail, the end result is that if the Respondent does NOT make a written request, he's essentially forbidden from defending himself at a hearing. Also, the term Respondent should be included in the article. Therefore, it really must be reworded. The new suggested wording, with square brackets indicating the deletion:

"Any official, board member or employee against whom a written complaint is filed (Respondent) shall be given a copy of the complaint, and [] shall be afforded an opportunity to be heard and to present evidence to the Ethics Committee."

The plan is to leave (1) and (3) alone, and to create a warrant article to amend (2) and (4). Mr. Larney will email Town Manager Rick Bates tomorrow (Wednesday, January 5th, 2005) to solicit his assistance. Mr. Larney will advise Ms. Semple of the outcome of this conversation. In the instance that Mr. Bates is unavailable for assistance, Ms. Semple will draw up the petition, and the appropriate number of signature will be gathered by Committee Members by Monday, January 10th, 2005, as Tuesday January 11th, 2005 is the deadline for inclusion in the march town ballot.

VIII. Other Business

March Elections: Ms. Ellis read an erroneous report in the paper indicating that Ethics Committee members were appointed, not elected. She wished to make clear to any viewers of this meeting (or readers of the minutes) that this was not so, and that the timeframe for putting oneself forward for consideration by the town voters was the week of January 19th through 28th, 2005. There will be two slots open, and members of the public are encouraged to run.

Publications: Mr. Larney will write up some information for inclusion in the *On The Common* and the *Town Report* and email them to committee members tomorrow (Wednesday, January 5th, 2005) for their input.

Future Meetings: The next three meetings are scheduled for January 25th, February 8th, and February 22nd, 2005.

IX. Adjournment

Ms. Semple moved to adjourn the meeting at 8:01pm; Mr. Landis seconded. The vote was unanimous in the affirmative; so moved.

Respectfully submitted,
Debra H. Doda