

Raymond Ethics Committee
January 13, 2004

- I. Co-Chair Pat Larney called to order a meeting of the Raymond Ethics Committee at 6:35pm on Tuesday, January 13, 2004, at the Raymond Town Hall. Committee members present were:

Sandy Ellis, Co-Chair
Gretchen Gott
Emery Landis
Pat Larney, Co-Chair
Marilyn Semple

Present also were members of the Solid Waste/Recycling Committee and one member of the public. The meeting was taped for showing at a later date by RCTV cameraman Craig Fauth.

- II. The meeting was opened with the Pledge of Allegiance. The proof of posting was reviewed and it was noted that the meeting had been incorrectly posted for 6:00pm, instead of 6:30pm.

- III. Training Session: Members of the Solid Waste/Recycling Committee attended the Ethics Committee meeting to receive their annual training regarding the Ethics Code. Present from this committee were:

Kathleen McDonald
Carolyn Thorsell
Marilyn Elliott
Dean Plender

Absent were Michelle Drew and the Selectman's Representative (he had already received the training at a BOS meeting).

Those present acknowledged receipt of the Code of Ethics booklet. They reminded the members of the Ethics Committee that the Solid Waste/Recycling Committee is advisory only. Ethics Committee members presented an overview of the Code. Examples of conflicts of interest were discussed. For example, if a family member of one of the committee members worked for a refuse collection contractor who does business with the town or who might be under consideration for a contract, it would be a conflict of interest to have the committee member participate in any deliberation or vote about a contract for refuse collection. This would be the case even though the committee is advisory only. The committee members asked whether the Code of Ethics prohibits volunteer board and committee members from running for partisan office, i.e. state representative? Does the reference to the Hatch Act, in the Code of Ethics, restrict participation in partisan elections only to town employees? Counsel will be asked to clarify this point. At this time it was noted that there need to be more booklets placed in the Town Hall lobby. Pat will call the Town Manager to ask to have this done.

IV. Minutes: The minutes of the December 9, 2003 meeting were reviewed and amended as follows. Section 4A, paragraph 4 implies that the committee is required to consult with counsel. The committee has the option to decide whether or not to consult with counsel. The minutes should read "The complaint has been received." The remainder of the sentence should be deleted. Marilyn made a motion to accept the minutes as amended and Sandy seconded the motion. The motion passed.

IV. Old Business:

a. Training: Sandy distributed a list of those still in need of training. The members of the Historic District Commission and RCTV still need training. Department Heads not present at the last training and employees will be scheduled for two dates. Rick Bates is working to schedule those dates. There are also people from other committees/boards, who were not at their committee meeting when the training was presented. Open training for people who have not had training will be offered at the next Ethics Committee meeting to be held on February 10th. Pat will send a letter to those people inviting them to the training.

b. Complaint Process: Pat drafted a flow chart of the complaint Process for review by the committee. Sandy Ellis was excused from the meeting at 7:40pm. The committee members continued discussion and asked "at what point does the committee gather background data?" A complainant, as part of the process, must state that he/she has exhausted all other avenues of relief. Pre-hearing conference data that must be available to the committee include names of the witnesses, what materials will be presented at the hearing, etc. Pat asked committee members to review the flow chart draft and bring changes to the next meeting. Marilyn suggested that the committee do some role playing at the next meeting to identify what steps need to be taken to develop the complaint process. Joyce Wood volunteered to bring a hypothetical complaint to the next meeting.

The response from Dunbarton regarding the confidentiality was discussed. Marilyn sent an email to Dunbarton committee member Scott Ives asking whether Dunbarton distinguishes between complaints against employees vs. other public servants with respect to 91A confidentiality. Scott referred the question to fellow committee member Nick Holmes. Nick stated that he believes that the process should be the same for both. He noted that there are very narrowly limited situations that 91A would prohibit the hearing from being public. He stated that in general, Ethics Committee business is conducted in public.

VI. New Business:

A. Ethics Committee membership: The committee discussed the upcoming elections. This will be the first year that the membership will be elected. Current members were all appointed for a one year term. The voters will elect two members for a one year term, two members for a two year term and one member for a 3 year term. Members discussed their plans for future membership on the committee. Gretchen stated that she is likely not to run because of her membership on land-use boards

and the potential for conflicts with the work of both boards/committees. Emery will not run. Marilyn plans to run for the 3 year term. Pat plans to run for one of the one or two year terms. Sandy's plans are unknown at this time. The committee encouraged members of the public to participate in the committee and run for election as a member.

- B. Town Report: The committee decided that there should be an entry from the Ethics Committee in the Town Report. Pat will write and submit a brief statement, based on an earlier PR release that he had drafted.
- C. Donations to Volunteer Banquet: Joyce Wood inquired about donations to the upcoming Volunteer Banquet. Currently donations are made to the Recreation Dept. and are handled under the Town/RSA policy rather than the Code of Ethics gift policy. The gifts are received by the Rec. Dept. and then given to public servants as part of a raffle under the exception of the Code of Ethics allowing for recognition awards.
- D. Conflict of interest: Marilyn raised that issue of the misinformation that some members of the public have regarding a conflict of interest. At a recent meeting, a member of the public stated that a conflict of interest would occur only in the presence of pecuniary or financial gain. Since this is incorrect (conflict of interest involves pecuniary and other forms of conflicts), the committee discussed ways to help inform the public and public servants. Gretchen suggested using the "On the Common" to publish case studies to help resolve this misperception regarding conflict of interest. She also mentioned that there have been times, when at a public meeting, questions regarding the code were asked. She stated that she hesitated to stand up and comment to give an interpretation or opinion as some sort of "ethics expert." To date, her response has been to cite the section of the code in question, but not make a statement about the specific issue being discussed. Committee members had a discussion about what would be the proper response in these situations. Training for public servants and members of the public and encouraging the public to use the inquiry process were seen as the most effective means of answering questions.

The meeting was adjourned at 8:55pm.

Respectfully submitted by Gretchen Gott