

**Town of Raymond
Ethics Committee Meeting
July 25th, 2006
High School Media Center
Approved Minutes**

I. 6:30pm Call to Order

Chairman Marilyn Semple called to order a meeting of the Raymond Ethics Committee on Tuesday, July 25th, 2006, at 6:30pm, in the High School Media Center.

Committee members also present:

Frank Bourque
Sandra Ellis
Pat Larney

Committee members absent:

Pam Turcotte

The meeting was televised by RCTV. The cameraman was Chester Goguen.

II. Pledge of Allegiance

Chairman Semple led the attendees in reciting the Pledge of Allegiance.

III. Proof of Posting

The Proof of Posting at the High School was confirmed by Vice-Chairman Larney for tonight's meeting.

IV. Public Forum

As there were no Members of the Public wishing to be heard, the Committee moved on to *Agenda Item V, Approval of Minutes.*

VI. Approval of Minutes

June 27th, 2006: The cameraman for this meeting, and indeed for all Ethics Committee meetings, was Chester Goguen. Ms. Ellis stated that not only had the Budget and Recycling Committees not been trained, but also the Recreation Committee.

Vice-Chairman Larney moved that the minutes be approved as amended; Mr. Bourque seconded. The vote was four in favor with Ms. Turcotte absent; so moved.

VII. Old Business

A: Discussion of RSA 673:14: Disqualification of Member

The Committee members had reviewed this RSA as an exercise to determine if it had any information that might be of interest to the Ethics Committee and to become familiar with it. Mr. Bourque stated that the Town's ethics policy had actually been modeled after this RSA and went above and beyond it with the addition of 'appearance of conflict of interest'. He didn't think it necessary to actually adopt the RSA.

A discussion about recusals followed.

Vice-Chairman Larney pointed out that the RSA states that a board member can disqualify or recuse himself, but also that another board member can state that the original member needs to step down; in fact, can call for a vote as to whether or not the member needs to step down. However, the vote is non-binding, and Vice-Chairman Larney asked what good it did to vote that a board member needs to recuse himself if he is not required to do so. The vote has no teeth. Mr. Bourque stated that this RSA pertained to the New Hampshire Land Use Board; that said, he had seen it happen (failure to recuse oneself when asked) and that not recusing oneself when asked to do so opens the Town up to liability.

Ms. Ellis asked if a member of the public could ask to have the above referenced member removed from the Board should he or she feel that there is a conflict of interest involved. Mr. Bourque believed that this was not so; that a complaint could be brought before the Ethics Committee, but that a member of the public would not be able to effect a recusal. He or she could ask the Board to vote on disqualifying a member, but that was as far as it could go at that time.

Chairman Semple stated that the RSA didn't really address the question that she felt needed to be answered, which was what activities are acceptable from a recused person once they have stepped down? What can they do without jeopardizing the Board's activities? Mr. Bourque stated that the recused member should sit with the public, preface any remarks he makes with the warning that he is only speaking as a member of the public and not as a member of the Board, and not be present for any deliberations or voting. Chairman Semple referenced some information that she had received during a recent workshop, which was that a recused board member should have nothing to do with a matter - not even help with the presentation - simply be a member of the audience.

Chairman Semple stated that if it was that simple, why was the Committee split when this subject arose previously? If the same situation was presented today, after this discussion, would the Committee be in agreement? Chairman Semple is concerned that the Ethics Committee is here to give direction, and in that case they could not.

Mr. Bourque stated that it was possible, but not necessarily so, that the Committee would be in agreement, as each person's opinion is formed based on how the case is presented. The Drafting Committee never expected to need to get into the level of detail that the Ethics Committee is debating.

B: Staff Training

One session of the Town Employee training was held today. Some interesting questions were raised. One concerned the conflict of interest inherent in a Public Servant acting as a paid expert involved in civil litigation against the Town. The questioning employee asked if it made a difference if the Public Servant had been subpoenaed. Mr. Bourque countered that in that case, the Public Servant wasn't a paid expert. The employee was concerned that the Public Servant was being denied his freedom of speech.

Vice-Chairman Larney asked if the employee's issue was testifying or receiving payment. Chairman Semple stated that payment appeared to be the issue, but hastened to add that the entire issue was hypothetical. She asked Mr. Bourque if anything like this had been raised during the drafting. Mr. Bourque replied that all sections had been discussed in great detail and reviewed by legal counsel afterwards. Ms. Ellis suggested that the Committee keep a list of questions that engendered much discussion or confusion, and pass them by legal counsel. She suggested Municipal; Chairman Semple suggested Susan Slack; Mr. Bourque suggested that the attorney who originally reviewed the Code of Ethics do the review. This attorney could also look at any changes or amendments that the Committee might wish to make and bring before the public.

Mr. Bourque asked that all members bring 'examples' of ethically ambiguous situations to the next meeting to be added to the end of the presentation, or given as handouts. Chairman Semple stated that Ms. Turcotte had drafted some examples that were used at the Town Employee training session, and that they had engendered lots of good questions and discussions amongst the employees.

Mr. Bourque read two examples that he had prepared. The first was about married couples serving on Boards whose business intersected; the second about a town employee under contract who wished to pursue employment with someone who was currently doing business with the Town. These did indeed generate quite a bit of discussion and additional questions and were a valuable exercise.

A second session of the Town Employee training needs to be scheduled on either August 9th or 23rd. Chairman Semple and Vice-Chairman Larney tentatively scheduled it for August 9th, depending on Vice-Chairman Larney's work schedule. Chairman Semple will confirm the time and let Vice-Chairman Larney know.

Police Chief Salois has asked that the Committee hold a training on July 29th at 10:30am for the Police Department. Chairman Semple and Ms. Turcotte will perform this training.

VIII. New Business

A: Budget Discussion

The Ethics Committee budget appears to be in very good shape. The general consensus was not to ask for an increase, as only a small amount of the budgeted monies have been spent.

Vice-Chairman Larney moved that the Ethics Committee adopt for 2007 the same budget as for 2006, which is \$2,630.00; Ms. Ellis seconded the motion. The vote was four in favor with Ms.

Turcotte absent; so moved.

B: Future Meeting Dates

The next meeting was scheduled for September 12th, 2006. (This was subsequently changed to September 26th, 2006, after the meeting had been adjourned.)

C: Correspondence

Apparently no correspondence was received.

D: Other

Nothing else appeared to need addressing.

Adjournment

Vice-Chairman Larney moved to adjourn the meeting at 7:40pm; Mr. Bourque seconded the motion. The vote was four in favor with Ms. Turcotte absent; so moved.

Respectfully Submitted,

Debra H. Doda