

GREENWICH BOARD OF ETHICS

Minutes of Regular Meeting on December 8, 2020

Members Present: Paul de Bary, Chair and Secretary for the meeting and Robert Sisca

Members Absent: Robert Grele, John Margenot

Others Present: Rev. Stephanie Johnson, Selectmen Lauren Rabin and Jill Oberlander, Renata Michalski, Director of Purchasing & Administrative Services, Aamina Ahmad, Department of Law, Jenny Larkin, IT Department and Zoom Co-host and William Weiss, a member of the Board of Ethics of Weston CT, who had asked to observe the meeting.

The meeting was called to order at 5:38 P.M. by the Chair, who noted that the agenda for the meeting had been provided to all the members, posted online and posted in Town Hall in accordance with Freedom of Information Act requirements. As Ms. Larkin reported that she had been unable to connect Mr. Margenot to the meeting in a way that he would not be muted, the Chair noted that there was not a quorum and that no official business would be able to be conducted. The Chair also noted that as a non-quorum meeting, Robert's Rules of Order would be suspended in the interest of efficiency, subject to being reinstated in the interest of an orderly discussion.

Due to the absence of a quorum, approval of the minutes of Board's meeting on September 15th, 2020 was deferred.

The Chair then reported that he had been reviewing with Director Michalski the procedures applicable to bids on Town Contracts that involve Town Officers. The Town's Purchasing Policy Manual currently provides that Town Officers must receive an opinion from the Board of Ethics before submitting a bid. In April, complications from the closure of Town Hall due to the covid-19 pandemic resulted in some logistical difficulties relating to a bid involving members of the Architectural Review Committee and had prompted a discussion as to whether a more effective mechanism could be used.

In a number of recent advisory opinions, the Board had articulated conditions under which Town Officers could obtain the benefit of a "safe harbor" in connection with Town transactions where the Commission, Committee, Board or other Town agency they were associated with had a conflict of interest policy that provided for self-identification of potential conflicts and internal review by non-interested parties. The Board had provided drafts of a proposed policy template and suggested revisions to the bidding procedures and forms that would permit Town Officers to certify that they were in compliance with their entity's conflict of interest policy as an alternative to being required to obtain an advisory opinion from the Board of Ethics.

The Chair asked Ms. Ahmad if she had any comments to communicate on behalf of the Department of Law for consideration with regard to the draft template policy and proposed revisions. Ms. Ahmad indicated that she had reviewed the materials and found them comprehensive and appropriate for the intended purposes. She requested some additional time to review the drafts in more detail prior to their adoption.

The Chair indicated that the draft was only intended as a template to be an example of what the Board felt would meet its safe harbor guidelines and that each entity would be expected to make such modifications as it felt were necessary. However, he welcomed any further input from the Department of Law. The chair indicated that unless Ms. Michalski felt there was any urgency in adopting an approved template, it was expected that the template would be approved at its next regular meeting in February. Ms. Michalski indicated that there was no immediate need at this time.

The Chair then indicated that it would be advisable to discuss the matter of technical amendments to the Code while Selectman Oberlander was still at the meeting and asked Ms. Ahmad to advise as to the procedure for Charter amendments. The purpose of the proposed amendments was to enable the Board to implement an on-line filing system for ethics disclosure reports, since the Code currently provided only for filing hard copy reports with the Town Clerk and required the reports to be notarized, which had in practice proved to be unnecessary and burdensome. Ms. Ahmad indicated that Charter amendments need to be approved by the Selectmen and then forwarded to the RTM for adoption. She indicated that she would provide additional information to the Selectmen concerning the process.

Selectman Oberlander raised a question concerning the authorization for the Board to adopt a different threshold for reporting on-line than was applicable to paper filings. The Chair indicated that the proposed technical amendment was designed as an alternative method of filing and had been designed not to alter the existing language of the Code. However, there was room for confusion as a result. Ms. Ahmad agreed to arrange for the Department of Law to review the existing proposal and alternative language that would amend the existing language in the Code and harmonize the requirements and the Chair agreed to provide proposed drafts to her for that purpose. Following this discussion, Selectman Oberlander left the meeting.

The Chair then reported on the status of Rev. Johnson's appointment and report that Jennifer Paul Cohen had agree to assist the Board as a volunteer and would be providing recommendations concerning the content on the Board of Ethics pages on the Town website.

Following this the Chair indicated that the Board would continue in executive session and all participants other than Mr. Sisca left the meeting.

Following the executive session, the Chair reported that due to the lack of a quorum, no official action was taken at the executive session. As there was no further business before the Board and the meeting was adjourned by unanimous consent at 6:34 P.M.