

Rick and Joe

You asked that I be more specific regarding my concerns about the Ethics Ordinance:

Here goes

We still have not resolved the problem with Section 2-40.5 C. AS you recall there is no provision in our Ordinances covering the suspension or termination of appointed officers or Board members.

Under “definitions” there are terms defined which are not used in the ordinance and should be deleted. e.g. “Business Days”, and “Recusal”. The term “Commission” is defined as the Board of Ethics but the term is never used and the Ordinance actually uses the term “Board” when referring to the Commission. The term “Probable cause” is defined but not used. The same applies to the term “Clear and Convincing Evidence”. Both concepts really should be incorporated into Section 2-40.5 describing the powers and duties of the Commission. They do not belong in the Definitions section. Neither do I understand why there are two different descriptions regarding evidence.

The Definition of “Public Employee” seems overly broad. As defined even a one time vendor would be defined as a Town Employee.

Under “Public Official” when does a candidate become a Public Official? Who decides when? I have seen some ethics rules suggesting that the definition takes effect when a candidate files forms with the Town Clerk or Elections Commission.

“Recusal” does not belong in the Definitions section. It should be incorporated under the conflicts section or perhaps the Disclosure Section.

The last sentence of 2-49.7 does not make any sense as part of that section. The term is already defined in the Definitions section.

Section 2-40.8 Should the term “potential conflict” be defined? What is a potential conflict and when does it arise?

The filing procedure seems unduly complicated. Can’t there be one place for everyone to file that is readily accessible to the public. As a matter of opinion I don’t think this is necessary. Once recusal takes place the conflict would be public.

Section 2-40.9 B makes no sense. What difference does it make if there is compensation. The last sentence makes no sense. The voting problem is taken care of in Paragraph A.

As you know I am opposed as a matter of opinion to Section 2-40.9 C and D. The problem, if any is addressed in Section 2-40.16.

Section 2-40.13 seems overly restrictive. In Paragraph B there is a reference to “prohibited source”. What is a prohibited source? That is a term that should be defined if it’s used.

Paragraph C does not seem to make sense as written. It needs to be revised.

Additional exceptions need to be considered when dealing with gifts. Political contributions that are properly reported as well as gifts for milestones in life should be excepted from the definition of Gift”. The previous version had a limit on item #4. I don’t know why it was removed.

Section 2-20.14B. Soliciting or accepting a gift from whom? As a matter of practicality I am not sure how the Commission can enforce the prohibitions on former employees or Officials. The set up of the sections (A B etc.) is incorrect.

Section 2-40.16 How can the Commission, or for that matter, the Town, enforce this section?

There are also some grammatical errors and miss-spellings that have not been fixed. For instance the reference to “a public official” in 2-40.3 instead of the word “officer”.

I believe part of the problem arises from cribbing a template without coordinating the rest of the proposed ordinance. I realize that the Commission has put a lot of time in on this draft but it still is not ready for a Town Meeting. I am not prepared to approve it without further efforts to get it right.