



City Council Rules Committee
MEETING MINUTES
July 6, 2011
City Council Chambers
12:00 p.m.

Present: Councilor St. Hilaire - Committee Chair, Councilors Stetson, Blanchard, Grady, City Solicitor Paul Cavanaugh and Michelle Mulholland, Deputy City Clerk. Councilor Bennett was absent.

Councilor St. Hilaire called the meeting to order at 12:05 p.m. Councilor Blanchard moved approval of the March 28, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire noted that he felt that it was best for the committee to take and review each section of the ordinances individually.

City Solicitor Paul Cavanaugh provided an explanation as to why it was divided into two separate ordinances.

First draft ordinance being reviewed is the ordinance relating to Article 1-6, Code of Ethics:

Referencing "Officer" in section 1-6-3, Definitions, Councilor Stetson noted that it appears that this covers all city positions including employees. Councilor St. Hilaire stated that it could be interpreted that way. Councilor Stetson noted that he believes that most departments have their own policies for employees but that there may be some that don't have policies. Councilor St. Hilaire noted that maybe it could be suggested to the City Manager that policies are developed for all departments for their employees. Councilor St. Hilaire indicated that he would like this definition to be clear and doesn't want it to include employees because it could conflict with other rules. He proposed that a sentence be added that officers excludes employees. Councilor Stetson suggested removing the word "all" in "all positions appointed". Mr. Cavanaugh agreed with this suggestion.

Referencing section 1-6-4, Representing Private Interest Before City Agencies, Councilor Stetson stated that he opposes individuals on boards making decisions and representing a person's interest before the board, even if they disclose it. Councilor St. Hilaire explained that these members are experienced in planning and zoning and if they are prohibited from being on the board, then the boards become hard to fill. He stated that if they can't go before the board, they won't find anyone to be on the board. Councilor Stetson disagreed. Councilor St. Hilaire noted that he hasn't heard any complaints or abuse of this. Councilor Stetson indicated that he feels that this leads to questions if this is an open government process and stated that he will not be voting on this section. Councilor St. Hilaire explained that this ordinance clarifies and would be a mechanism to address any problems.

Referencing section 1-6-6, Gifts and Favors, Councilor Blanchard noted that she feels that \$250 appears to be a high dollar amount. Councilor St. Hilaire pointed out that the amount is during a

term. Councilor Stetson clarified that if the gifts are coming from different sources, aggregate wouldn't come into play unless the gifts are all from one company. Discussion occurred in regards to the dollar limit of the gifts and what a gift is defined as. Questions arose as to whether reimbursement for mileage and boarding is considered a gift. The committee members agreed that there needs to be a definition of reimbursement. Mr. Cavanaugh indicated that he would include wording for the definition of reimbursement.

Councilor Stetson moved to propose a one year period for the time period for receiving the maximum on the dollar amount of gifts. He further moved that any gift over \$50.00 must be reported to the City Clerk and that the definition of reimbursement be added. The motion was duly seconded and passed with no dissenting votes.

Councilor Stetson moved to amend the amount of gifts received to a limit of \$150. The motion was duly seconded and failed on a vote of 2 to 2.

Councilor Grady moved approval of the draft ordinance which includes article 1-6 Code of Ethics, as amended. The motion was duly seconded and passed with one dissenting vote.

Second draft ordinance being reviewed is the ordinance relating to 30-3-29, Board of Ethics:

The committee agreed that no changes needed to be made in regards to the draft ordinance.

Councilor Blanchard moved approval of the draft ordinance which includes 30-3-29, Board of Ethics. The motion was duly seconded and passed with no dissenting votes.

It was agreed that City Solicitor Cavanaugh would email committee members revised ordinances that include the changes addressed at this meeting. He is also to draft a letter in response to Mr. Watrous's communication.

The committee members agreed that it made sense to submit the ordinances at the August Council meeting for a September public hearing.

There being no further committee business, Councilor Stetson moved to adjourn the meeting at 1:22 p.m. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*