

Ethics Committee  
Meeting Minutes  
May 11, 2016

Members Present:

	Vacant	X	Peter Lyford
X	Don Dufour	X	Todd Martin
X	Joe Ferris	X	Cathy Taylor
	Kim Lane	X	Patti Dubois

Others present: Bill Lee and Maria Gleaton.

The meeting was called to order.

City Solicitor Bill Lee commenced to answering the individual questions that he had been provided by the committee.

School board members are not city officials and, therefore, would not be covered by this ethics ordinance. In addition, school employees, including the Superintendent, would also not be covered. Further, Library Trustees would also not be covered, since they are governed by a separate charter. In addition, the Waterville Housing Authority is also an independent legal entity, and are not covered.

Chair Lyford questioned whether the school has an ethics policy that covers conflicts of interest. If they do not, he suggested that this committee should request that they adopt certain rules. The same discussion took place regarding the Library.

Bill Lee will determine if the City Council has authority to impose an ethics ordinance over the library.

In response to the question on why there is a prohibition against serving on a board while being paid by the city, Solicitor Lee guessed that it was an attempt to gain impartiality, and avoid the perception of impropriety.

Those who are paid by salaries, wages or stipends would be covered by the ethics ordinance, but those who volunteer are not, and can serve in other places.

Bill indicated that a Conflict of Interest/Disclosure form can be required of only department heads, if the committee chooses to make that distinction.

Immediate family member definition can be expanded to include registered and unregistered domestic partners.

Bill stated that he was not aware of any procurement policy that would acknowledge “good faith’.

Bill said that it was acceptable to have some sections of the ordinance cover both officials and employees, while others cover only officials.

In response to the clause prohibiting members of the Ethics Committee from serving on other boards or elected offices, Bill suggested that this would only be necessary if the board was given enforcement authority. If there is not enforcement authority, it would be acceptable for Ethics Committee members to serve elsewhere.

Bill Lee then stated that the ethics ordinance regulates conduct, but may or may not have an enforcement mechanism. Bill suggested that the question is, if we don’t include an enforcement mechanism in this ordinance, do we have adequate systems in place to enforce it. If we don’t have adequate procedures to enforce it, then an enforcement mechanism is needed. Bill added that the City Council cannot regulate employees, since Article I, Section 2 of the City Charter prohibits it. Solicitor Lee added that Article II, Section 3 gives the City Manager sole authority to appoint, suspend or remove all city employees and supervise the administration of all departments. In fact, the City Councilors can be removed if they violate Article I Section 2.

Discussion then shifted to the process for this board to receive complaints and what they should do with them. All present agreed that they could receive complaints from a board and can refer an opinion back to that board in an advisory nature, they could receive complaints from employees and could offer an advisory opinion to the Manager, or Human Resources, or the City Council if the complaint was against the City Manager. The group agreed that when a complaint is received, they would notify the affected committee to see if action on their part is warranted.

When asked whether it was preferable to adopt an ethics ordinance with language amended in other policies or ordinances to refer to the ethics ordinance, or if we should have the ethics ordinance refer to other policies by reference. Bill said that he would take a look at it and give the committee an opinion.

Chair Lyford asked Clerk Dubois to email the City Council to inform them of the public hearing being held on Wednesday, May 18<sup>th</sup> to review the proposed ordinance.

There being no further business, the meeting adjourned at 6:10 p.m.