

CITY OF STAMFORD

Stamford Board of Ethics
Stamford Government Center
January 15, 2020

Advisory Opinion

To: Jonathan Winkel
Chair, Stamford Economic Development Commission
Commissioner, Stamford Urban Redevelopment Commission

From: City of Stamford Board of Ethics

Re: Advisory Opinion

Dear Chair/Commissioner Winkel,

You requested an Advisory Opinion from the City of Stamford Board of Ethics. You advised us of the following facts:

1. You are the Chair of the Stamford Economic Development Commission (“EDC”), and you are a Commissioner on the Stamford Urban Redevelopment Commission (“URC”). You have held these roles for nearly three years. Both commissions are comprised of the same 4 members;
2. You are the Founder and Executive Director of Stamford Innovation Week (“SiW”), an annual week-long celebration of innovation in Stamford that draws attendees from the surrounding region;
3. You also recently became the interim Executive Director of the Stamford Partnership (“SP”), a public/private partnership working to enhance the quality of life for city residents;
4. You receive compensation for your roles with SiW and SP, which is comprised of money from the city, membership dues, corporate gifts, and grants. SiW and SP will soon merge into one entity (known as the Stamford Partnership), of which you will likely be named the Executive Director;
5. The missions of the EDC, SiW, and SP are tightly aligned.

Based on the above factual background, you asked the Board of Ethics to answer the following question:

“The nature of this request is very similar to my previous request for an advisory opinion [in February 2019] related to serving on both the EDC and being a compensated Executive Director for SiW....I would like this board’s opinion as to whether or not I can continue to serve on the

commission(s) while serving as Executive Director of the Stamford Partnership and what actions should be taken as a result of this role, if any.”

In our discussion of this matter at the December 18, 2019, Board of Ethics meeting, the Board advised you, based exclusively on the known facts, that you can continue as Chair of the EDC, a Commissioner of the URC, and serve as Executive Director of SiW and SP so long as you recuse yourself where necessary. However, it is impossible to prospectively assess potential conflicts without knowing the specific facts and circumstances of particular board or committee actions in which you would be asked to participate. The Board of Ethics, therefore, recognizes that serving simultaneously as Chair of the EDC and as Executive Director of SiW and SP might present challenges in balancing the responsibilities of both positions while also managing potential conflicts.

You reported that in regard to the opinion sought from the Board of Ethics in February 2019 in connection with your roles with SiW and on the EDC and URC commissions, no occasions have arisen since that time that presented a potential conflict of interest from which you needed to recuse yourself. In the present circumstance, again, you should recuse yourself sufficiently as needed. To assist you in conducting this assessment, the Board of Ethics refers you to Sections 19-5, 19-8 and 19-11 of the Code of Ethics, each of which prohibit officers or employees of the City of Stamford from participating in any decision or action from which the officer or employee, a member of the officer or employee’s family or a business with which the officer or employee is associated might gain or lose a material benefit that is not common to the general interest of other citizens of this City. For purposes of your question, the relevant portion of those code sections is “a material benefit that is not common to the general interest of other citizens of the City.”

If your assessment leads you to conclude that you can serve as Chair of the EDC, as a Commissioner of the URC, and as Executive Director of SiW and SP and sufficiently avoid potential conflicts, it is incumbent on you to review your actions in real time to assess when recusal is necessary. In making these assessments, there is not, and cannot be, a hard and fast rule which will apply in all circumstances. By its nature, the assessment of conflicts will, to some degree, be based upon subjective factors which cannot be known until the circumstance arises. Accordingly, it is your obligation to act diligently to assure that no conflict arises pursuant to the rules. Hopefully, your conversation with the Board of Ethics during its December 18, 2019 meeting will provide you some guidance when making those future decisions. Of course, if any question arises, you may always re-approach the Board of Ethics. Please be guided accordingly.

In addition, multiple recusals might impact your work with one or more of the entities you serve. You may wish to raise the issue with your colleagues to determine how best to serve without the conflicts unduly impacting your service. However, decisions such as whether your role is unduly compromised by repeated recusals are not for the Board of Ethics to make.

Please further note that the Board of Ethics cannot speculate upon unknown future events. Should you be offered the position of full time Executive Director of the Stamford Partnership, which seems likely, you will need to reassess whether a conflicts exist in serving in that capacity and on the EDC and URC. To the extent that you need guidance in making a proper assessment, you might plan to seek a further Advisory Opinion from the Board of Ethics.

The Board wishes to emphasize that its finding pertains only to your specific circumstances, and should not be construed as precedent for any future requests for an advisory opinion or complaint filed with the Board.

Thank you for proactively seeking advice on how to handle potential conflicts of interest, for your service to the City of Stamford, and for your efforts to expand and grow opportunities for innovation and entrepreneurship to benefit of our city and fellow citizens.