

CITY OF STAMFORD

Board of Ethics
Stamford Government Center
September 26, 2018

Minutes

Present

Cheryl Bader, chair
Allan Lang, member
John Morgan, member
Myrna Sessa, member
Monica Smyth, member
Fred Springer, alternate

The meeting was called to order by Chair Bader at 7:05 p.m. in the Safety Training Room.

1. Approval of Prior Minutes.
There was unanimous approval of the August 1, 2018 minutes.
2. Monica Smyth was unanimously approved as Board Secretary. It was agreed her term would run through June 2019.
3. Request for Advisory Opinion from Michael Handler, City Director of Administration. Mr. Handler requested an Advisory Opinion as to whether his voluntary service on the Board of Stamford Hospital would present a potential conflict under the Code of Ethics. Mr. Handler is a paid employee of the City of Stamford and his immediate supervisor is the Mayor. For several years, Mr. Handler has been friends with the Chair of the Board of the Hospital. They both live in New Canaan. There has been a turnover in hospital board positions, and Mr. Handler was asked to join the Hospital Board. He has not yet begun his tenure.

Mr. Handler explained that he could not think of a situation where if he were at a Hospital Board meeting, there would be conflict *visa vis* his employment with the City of Stamford. If there were a conflict, there is a mechanism for Mr. Handler to recuse himself. Mr. Handler does not seek a WRITTEN opinion from the Board of Ethics. After discussion, the Board voted unanimously that Mr. Handler's position as a member on the Board of Stamford Hospital does not present a conflict under the Code of Ethics. It will be Mr. Handler's obligation going forward to assess whether any action he takes on the Board of Stamford Hospital might present a conflict with the Code of Ethics.

4. Request for Advisory Opinion from Dudley N. Williams, Jr. Mr. Williams is a member of the Board of Finance. He is also paid as the President and CEO of the Mill River Park Collaborative (Mill River). Mill River is a public/private entity whereby as a 501(c)(3) non-profit, Mill River is responsible for maintaining the city park. The park is still owned by the City of Stamford and the City provides operating funds to Mill River. Mill River raises funds to make significant, capital improvements to the Park. Mr. Williams' request involves action he took at the July 12 Board of

Finance meeting where he voted on two items regarding a rebuild of a bridge adjacent to the Park. The two items had to do with 1.) a bid waiver to forego an RFP in order to award a bridge design contract to Wengall, McDonnell & Costello (WMC) and 2. approval of the contract between the City and WMC where the City would release funds to rebuild the bridge.

Mill River will not derive any financial benefit from the renovation of the bridge nor will it receive any funds for the renovation. There is a need to renovate the bridge as soon as possible for safety reasons.

Mr. Williams does not seek a WRITTEN opinion from the Board. The Board unanimously agreed that Mr. Williams' vote did not provide a conflict of interest under the Code of Ethics. However, Mr. Williams must be vigilant about future votes involving Mill River to insure there are no violations of Sections 19-4, 19-5 and 19-8. In addition, if there is a conflict, under Section 19-11 of the Code of Ethics, he is required to disclose the conflict.

5. Request for Advisory Opinion from Matthew Quinones, President of the Stamford Board of Representatives. Mr. Quinones advised that under the City of Stamford Charter, the Code of Ordinances and City Contracts, he is required to appoint Board of Representative members to serve on various City boards and commissions, as well as outside agency non-profit boards. He submitted a list of 17 boards on which the members serve.

The specific question is whether by virtue of their status on these various *outside* boards, commissions and non-profits, there would be a conflict of interest for the member to participate in discussions/votes during Board of Representative meetings? Mr. Quinones has requested a written advisory opinion which the Board of Ethics will prepare and present at its October meeting. The Board unanimously agreed that there is no conflict of interest for a Board member to participate or vote on matters where the outside board, commission or non-profit (on which they also serve) is at issue. Another way to state the ruling is that in both cases, the Board of Representative member wears the identical hat, whether participating in the Board of Representative discussion or vote or, the outside board, commission or non-profit board.

6. FOIA Training. Members participated in a lengthy discussion about the City sponsored FOIA training. Ms. Sessa and Mr. Lang attended that training and reported back. The Board reviewed the rules for Executive Session.

Adjournment

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Monica Smyth, Secretary