

CITY OF STAMFORD
Board of Ethics

Minutes of Meeting

Date of Meeting: April 10, 2013

Location: Republican Caucus Room, 4th floor

Member Roll Call:

Cheryl Bader (Chairperson)
Sarah Summons
Daniel Sanchez
Clarence Grebey

Non-Members:

Peter Privitera
Daniel Colleluori

At 6:15 p.m., the Chairperson called the meeting to order. She directed the attention of those present to the Notice of Meeting and Agenda.

The Chairperson discussed recent charter revisions relating to the Board's composition. She particularly noted the number of members, and current proposals that would set the number of permanent members and alternates. She expressed her view of their significance in terms of the minimum number of each needed for the Board to function efficiently.

The Chairperson noted that since a quorum was not present, matters discussed at the meeting would be voted upon at a later date.

The Chairperson requested a volunteer from among the members to serve as meeting Secretary. Daniel Sanchez volunteered, and commenced to record these minutes. The recording system was activated. Clarence Grebey volunteered to act as Secretary going forward.

The first guest identified himself as Peter Privitera. The Chairperson noted that the first guest had submitted a Request for Advice concerning a current employee in the office of the Mayor who, prior to his employment, entered into a contract with the City to provide data creation and updating services to the Board of Education. The guest explained that the contract is up for current renewal, and requested advice as to whether, now that the individual is a City employee, renewal of the contract would violate the Code. The members inquired as to the extent of mayoral authority over BOE budget. The members inquired as to the BOE's process for renewing the contract. The members discussed the applicability of Code sections 19-4 and 19-5.

With reference to Code section 19-5(D)(3), the members advised the guest (i) to determine whether the contract renewal is being put to open bid, and (ii) to ensure that the employee would have no part in the deliberation as to the selection of contractor for the function. The Board members present advised that if the above criteria are satisfied, under the facts as presented by Mr. Privitera, the employee could continue to act as database consultant to the Board of Education while employed in his capacity for the City. The first guest left the meeting.

The second guest identified himself as Daniel Colleluori. The Chairperson noted that the second guest had submitted a Request for Advisory Opinion concerning the decision to hire the son of his immediate boss, who is the Director of Operations for the City. The guest described the City's hiring process, which included his request for a list of laborers from which he had identified the individual as the best candidate for the position. The members verified that the laborer position in question falls 2 levels down from the Director (the guest and a subordinate supervisor being between the two), and further that the Director had not voiced any position to the guest on the hiring decision. The guest offered that the Director routinely approved his hiring decisions without question. The members asked if this was an opening in a pre-existing position. Member Grebey suggested it was determinative that the Director had not created a new position to be filled for his son. The members discussed Code section 19-4, and debated whether a City job for the Director's son might constitute a "benefit" to the Director within the meaning of that section. The Chairperson queried whether the Director could be "separated" from any hiring decision in a City office under his control (i.e., whether all decisions are attributed to him, or should be deemed attributed to him). The members asked whether the City has any general anti-nepotism policy that might control. The guest left the meeting after agreeing to inform the Board regarding any anti-nepotism policy. The members provisionally agreed that the hiring did not seem to violate the express terms of the Code, but also that the situation presented fertile ground for future violations. They discussed the benefits of anti-nepotism policies in situations like that presented here (including protecting City employees from undue pressure or influence concerning their management, hiring and firing decisions involving family members of superior officers). It was the consensus of those Board members present that the City's employment of family members of other City officials and employees presents significant risks, and that if it is left to the Code generally (and to Code section 19-4 particularly) to address those risks, it will require liberal construction to do so. It was suggested that the disposition of that risk should be the subject of a *policy* discussion and, accordingly, the Board members present agreed to include recommendation to adopt such a policy in the advisory opinion issued in response to this request.

The Chairperson noted a further Request for Advisory Opinion relating to proposed grant of free admission for select city officials and employees to an upcoming fundraising gala for Mill River Park. The requester was not present at the meeting. The members noted that the requester is part of a public-private partnership with the city, and Member Grebey suggested that point was determinative. The members reviewed Code section 19-9 and the definition of "prohibited source." They discussed the question of determining the "giver" in the context of that section.

They noted the possibility that the requester was not a prohibited source due to its "identity" with the city through the partnership. They also noted that the exclusion appearing at Code section 19-9(B)(3) would likely apply and, if it did, would be a narrower basis on which to find no violation of the Code.

The meeting was adjourned.