

## MINUTES

Board of Ethics Public Meeting

May 8, 2013

Government Center

Stamford, Connecticut

### Members in Attendance:

- Cheryl Bader, chairman
- Clarence Grebey
- Allan Lang
- Daniel Sanchez

### Government officials in attendance, speaking before the Board:

- Joseph J. Capalbo II, Stamford Corporation Counsel
- Emmet P. Hibson, Jr., Stamford Dept. of Human Resources

The meeting was called to order by Chairman Bader at 1:15 p.m. and the video recording was activated. The presence of a quorum was noted.

The first item of business was the continued deliberation concerning a request for an opinion by Mr. Colleluori, supervisor of solid waste and recycling for the City. The matter presented to the Board at its meeting in April concerns the potential hiring of Mark Orgera as a laborer by Mr. Colleluori. Mark Orgera is the son of Ernie Orgera, the Director of City Operations. Specifically, Mr. Colleluori had asked for an opinion as to whether the hiring of Mark Orgera would be admissible under the City's Code of Ethics.

Appearing before the Board last month, Mr. Colleluori stated that Mark Orgera had passed the necessary examination for the position, and had in fact, been passed over six times out of concern that a perception of a conflict of interest might arise. He also stated that the job candidate's father exercised no influence in the consideration of his son for the position. It was also noted that while the position Mark Orgera is seeking is within the Department of City Operations, there are multiple organizational layers between this entry-level position and the Director of Operations. The Director would have no direct supervisory or managerial role over Mark Orgera, should he be hired.

The Board asked Mr. Capalbo and Mr. Hibson to appear at this meeting to determine if the City had a definitive human resources policy or ordinance pertaining to nepotism. Chairman Bader reiterated that the role of the Board is to interpret potential conflicts to the Code of Ethics and not create policy or legislation. Therefore, a clearer understanding of the City's policies and ordinances pertaining to this topic is in order.

Mr. Capalbo explained that the Personnel Committee of Board of Representatives had not proposed legislation on nepotism as it believed the issue is addressed by the Ethics Code. As such, the Department of Human Resources evaluates family relationships among city employees (or potential city employees) on a case-by-case basis.

Mr. Hibson provided the Board with an overview of the examination and hiring processes for the position under review.

Board Member Sanchez and Chairman Bader cited Sections 19-4 and 19-5a of the City's Code of Ethics as the language relevant to this situation.

Board Member Grebey put forward a motion that the Board issue an opinion that the hiring of Mr. Orgera is not in violation of the City's Code of Ethics, based on the facts presented, and in the absence of a "bright line" City ordinance or policy.

The motion was seconded by Board Member Sanchez.

A brief discussion ensued and a vote was called by the Chairman.

The Board voted 4-0 to approve the motion.

Board Member Sanchez volunteered to draft the advisory opinion on behalf of the Board.

The next item of business was the election of a Board Secretary.

Board Member Sanchez nominated Board Member Grebey.

Chairman Bader seconded the motion and called for a vote.

The motion was approved 3-0, with Mr. Grebey abstaining.

Chairman Bader then sought to clarify questions regarding the Board's recent Advisory Opinion to the Mill River Collaborative. Specifically, questions had arisen as to why only certain government officials were included in the Board's Opinion. Board Member Grebey stated that the advisory opinion addressed only the government officials included the query it received from the Collaborative. It was not within the Board's jurisdiction to provide counsel outside of what was requested. Similar requests of advisory opinions will be considered on a case-by-case basis.

Board Member Sanchez noted that the process would be improved if organizations such as the Collaborative would first ask the leadership of the relevant City organizations (Administration, Board of Representatives, Board of Education, Board of Finance) for a list of whom they feel it appropriate to invite to avoid perceptions of conflict.

#### New Business

Chairman Bader noted that the Annual Report of the Board of Ethics must be presented to the City by June 30. Board Members agreed to send Board Member Sanchez recommendations and other items for the report. He will compile this information for Board consideration at a future meeting.

It was agreed that all members of the Board should have a City of Stamford email address and that it shall be used for all Board related electronic correspondence.

It was also agreed that all Members should have a City identification card for entry to the Government Center.

The Board also agreed to ask the Corporation Counsel for a briefing on the Freedom of Information Act.

A motion to adjourn was made and seconded.

Chairman Bader adjourned the meeting at 2:10 p.m.

Respectfully submitted,

Clarence Grebey  
8 May 2013