

HAVRE DE GRACE ETHICS COMMITTEE MINUTES JULY 19, 2018

MEMBER ATTENDANCE:

John Corrieri Jr; George Cardona; Norman Obenshain; James Horn;
 Patrick Sypolt; April Ishak; William Watson; Dave Martin;

Meeting convened: 1505 hrs

REGRETS

Dr. James Horn

Approval of Minutes:

OLD BUSINESS:

Review of Ordinance 1008

Questions raised from Public Work Session Monday, July 16, 2018

Council Member Dave Martin's response:

This ordinance is ground breaking, that HDG is the first out of 157 municipalities to introduce this type of legislation. Even Harford County does not have this robust type of Ethics ordinance. HDG is leading by example. Thanked Bill Watson, Dr. Jim Horn, George Cardona, Rev Norman Obenshain and John Corrieri. 2nd the goal of the ordinance is to prevent repetition of history for improper conduct. 3rd the City Employee's are covered by a similarly worded section in the employee handbook. 4th the Ethics Resolution was the written opinion that defined the anti-discrimination, anti-harassment and anti-intimidation guideline for appointed and elected officials the Ordinance is the actual implementation. Dave Martin's Council Card and a copy of the resolution was given to Mary Helen Craver. 5th while not representing the City in an official capacity elected and appointed officials are not covered by the ordinance. 6th the citizens of Havre de Grace have the ultimate power to select elected officials every 2 years by terms if they feel actions outside their official duties negatively impact the image of Havre de Grace. They have the power to vote.

E-mail questions from Mary Helen Cayer 410-939-5544, 1024 Chesapeake Drive, Havre de Grace

-The Resolution and the Ordinance both indicate that these apply to the WORK and MEETING environment. That is too LIMITING. Council member Jason understood it. ie: Military, Masons always must represent a higher public standard. Council members recognized in the public like First Fridays, dedication events, etc. should be held to the "Prohibited Conduct Section P".

After discussion a decision was made to keep the wording of page 2, line1 from Resolution: "*The purpose of this Policy is not to regulate officials' personal lives or morality*" and page2, line 15-16 *This Policy covers all City of Havre de Grace appointed and elected officials while acting in their official capacity.*[DM1][DM2]

- "Behavior" of City Officials/City Appointees should apply to public as well as work and meeting environment; such as public substance abuse, alcohol, drugs, altercations which causes untoward attention to the behavior of "City Officials" also could be reported and be considered by the Ethics Commission.

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Council Member David Martin's statement from the Dias "The citizens of Havre de Grace have the ultimate power to select elected officials every 2 years by terms if they feel actions outside their official duties negatively impact the image of Havre de Grace. They have the power to vote." This is a good summation of the rights and power of the citizens to affect changes

- That this Amendment be retroactive with consideration given to past complaints of unethical conduct. Since the 2005 and 2015 "Ethics Codes" only applied to financial misconduct.

Decision not to make this Ordinance retroactive. The decision was re-enforced by Constitutional Law

An ex post facto law is one that is made retroactive to punish an act that wasn't illegal at the time it was committed. Article I of the US Constitution specifically says ex post facto law cannot be done, The reason the Constitution prevents Congress (and the states) from writing ex post facto laws is to protect the population and other entities from government abuse.

- The reporting of a complaint or violation is delicate and difficult and should be addressed by an independent Ethics Commission FIRST, then to other City entities if needed because of potential conflict of interest and/or adversarial or supervisory positions.

Refer to the Resolution page 4 lines 21-24 "An investigation will be conducted in a discreet manner to ensure that there will be no harassment reprisal or any other action that is deemed threatening either during the investigation or thereafter."

Page 5 lines 11-12 "Confidentiality will be maintained throughout the investigatory process, appropriate corrective action or thereafter."

Ordinance 1008 page 2 "Upon receiving a complaint, the person receiving the complaint must forward the complaint to the Director of Administration for safe keeping. The Director of Administration will notify The Chairman of Ethics Commission to schedule an Ethics Commission meeting and [DM5] review.

Confidential Notice of Harassment/Discrimination Complaint page 2 "To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. The City of Havre de Grace will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information by any person concerning the investigation is prohibited."

Group discussion point: there are multiple channels by which folk can bring complaints thereby protecting them from having to go through an immediate supervisor or face other potential conflict of interest.

- My last request was to all City Personnel, Council, Elected and Appointed representatives of the City; not to use your positions in a personal or vindictive manner because it casts a prejudicial shadow on your performance and decision making for the City. Please, choose Civility for Havre de Grace.

No action taken

NEW BUSINESS:

Candidate Forms explanation Sheet

Open Meeting Law review for committees and commissions.

Reasons and statements for Closed Meeting Sessions”

Next Meeting to be scheduled in the Fall of 2018

Motion for Adjournment by: Rev. Norman Obershain, Second: Bill Watson

All in Favor: *Carried no opposition*

Opposed: None

Time of Adjournment: 1550 hrs.