

Ethics Committee Meeting
April 26, 2022
Via Zoom

In Attendance:

Committee members: Alex Ghesquiere, Marc Efron, Lorie Mitchell

Council members: Katie Howard (Council liaison), Andrew Kauders, Susan Fattig

Village Manager: Niles Anderegg

7:00 – Quorum established, and the meeting was called to order.

Lorie welcomed the Committee members and updated the group on the status of the Committee's recommendation to the Council to amend the Village Code to establish staggered terms for Ethics Committee Members.

First-order of business – The minutes of the 3/10 meeting were unanimously approved.

Second-order of business- As a follow-up, the Committee discussed and evaluated the ethics training conducted for Election Committee members on March 14th. The Committee generally agreed that the training went well and effectively broadened participant understanding of the Village Ethics Code. Marc suggested that the 30-minute time limit be lengthened to 45 minutes for future sessions. Alex and Lorie agreed that a training session length of between 30 and 45 minutes would be adequate. The Committee agreed that the ethical dilemma scenarios were a helpful training tool. Lorie commented that Marc's approach to linking participant responses to the scenarios back to the Village Code was especially practical. Marc observed that the session benefited from the small group size, and Lorie added that future sessions should continue to take place in an administrative session to encourage participation.

Third-order of business - The Committee discussed the recent Committee review of Village COI questionnaires and Oath of Office forms, which identified two volunteers who had not submitted the required paperwork and several other errors requiring correction. Niles assisted the Committee in resolving the outstanding issues. Council Liaison Katie Howard plans to discuss the Committee findings with the Council and work with Niles to ensure the VMA website is updated with the current COI Questionnaire. As a result of the Committee's assessment, the Committee agreed to formalize a standard operational procedure to provide a review framework for future Ethics Committees as follows:

- Consistent with the Village Ethics Code, the Committee will review COI questionnaires and Oath of Office forms from all members of the Council, Election Committee, Ethics Committee, the Village Tree Supervisor, and all Village employees.
- The review process will commence yearly on August 15th, with Niles setting up an auto-reminder email to the Committee and adding the task to the Village calendar.
- Following August 15th, an Ethics Committee Member will schedule an appointment with the Village Manager to review all completed forms to identify missing documents, incomplete responses, and reported conflicts of interest.

- The Committee will work with the Council or respective Council liaison to ensure that any omissions are corrected, and missing documents are completed before volunteers execute their official duties.
- While not disqualifying, all noted conflicts of interest will be reported to the Council for informational purposes. Depending on the specific circumstances of the conflict, the Council or Committee may suggest that the respondent request an advisory opinion.
- All completed COI questionnaires and Oath of Office forms will be retained in the Village office. Any documents relating to the Committee review will be considered confidential and retained in a folder in the Committee's confidential email account.
- The Committee will publish an overview of its yearly document review in its end-of-year report.

The Committee voted unanimously to approve the procedure as detailed above.

On a related issue, Niles sought feedback from the Committee on whether an online notary certification would be helpful since completion of the Oath of Office form requires a notarized signature. The Committee responded that while they did not think the notarization requirement was overly burdensome, the question would be better addressed by the Council. Katie offered to discuss the online notary option with her fellow Council members.

Fourth-order of business – The Committee reviewed a redesigned version of the COI Questionnaire,* which was revised to reduce the number of respondent omissions. The following changes were made to the form:

- The questions were numbered.
- The response text was bolded and realigned to a separate line to distinguish it from the question text.
- The final paragraph was revised, removing redundancy and eliminating the option “don't agree.”
- The term “domestic partners” was added to the “related party” definition, consistent with last year's ethics amendment.

The Committee voted unanimously to recommend the revised COI Questionnaire to the Council. Katie offered to present the revised form and Committee recommendation to the Council.

Fifth-order of business- The Committee discussed the potential extension of a conflict of interest provision for Village contractors. Marc noted that while Village contractors must complete state-mandated affidavits relating to collusion and convictions, he questioned whether a more stringent requirement requiring a conflict of interest disclosure form would be worthwhile. Katie and Niles offered to review his concerns with the Council and Village counsel.

Sixth-order of business- The Committee discussed the new Ethics confidential email account, part of the Village email infrastructure, which was established to maintain confidentiality mandated by the Village Ethics Code. Lorie informed the Committee that in addition to Ethics Committee Members, Village Attorney Ron Bolt would also maintain access to the account. Lorie agreed to update the existing

Committee email guidelines to define the use of the account. Alex will be responsible for drafting an email to the VMA community to notify residents of the account and provide relevant information on the account's application.

Resident comments- Councilmember Susan Fattig complimented the Committee on the efficiency and effectiveness of the meeting.

New business/additional Committee discussion- Lorie informed the Committee that Niles would be setting up a Committee OneDrive account to improve accessibility and retention of established Ethics Committee policies and procedures.

Lorie suggested that the Committee consider dividing the end-of-year report into five categories consistent with the Committee's core responsibilities as follows:

- Develop and provide ethics training
- Review COI questionnaires and Oath of Office forms
- Address ethics complaints
- Provide advisory opinions
- Review the existing ethics ordinance and Committee policies and make recommendations to the Village Council to ensure adherence to best practices.

The Committee unanimously voted to approve the above format.

The next meeting was scheduled for Monday, June 6th at 7 pm.

8:04- The meeting was adjourned.

*Addendum

**VILLAGE OF MARTIN'S ADDITIONS
CONFLICT OF INTEREST QUESTIONNAIRE (DRAFT)**

The Village of Martin's Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Ethics Committee (Committee). The Committee shall provide advisory opinions to persons subject to the provisions of Chapter 4 of the Village Code (Code) as to its applicability and to make determinations as authorized by Chapter 4 of the Code. This questionnaire is required by Village Charter Section 903 and will assist the Committee in doing its work.

The purpose of this questionnaire is to ensure that each member of the Village Council and each Village employee (salaried and contract) is free of or has disclosed all Conflicts of Interest, as that term is defined below.

1. During the prior calendar year and in this year up to the date of your signature (the Period), have you or any Related Party of yours had any material interest, direct or indirect, in any Transactions to which the Village of Martin's Additions (VMA) was, or is to be, a party?

Yes__ No__ If Yes, please provide details.

2. Do you or any Related Party of yours have any material interest, direct or indirect, in any pending or incomplete Transactions to which VMA was, or is to be a party?

Yes__ No__ If Yes, please provide details.

3. During the Period, have you or any Related Party of yours been indebted to VMA?

Yes__ No__ If Yes, please provide details.

4. During the Period, have you or any Related Party of yours been an employee, officer, director, partner, or trustee of any organization with which VMA now has, or you have reason to believe may in the future have a business relationship?

Yes__ No__ If Yes, please provide details.

5. Are you or any Related Party of yours discussing or negotiating employment or any other relationship with any organization with which VMA now has, or you have reason to believe may in the future have a business relationship

Yes__ No__ If Yes, please provide details.

6. During the Period, have you or any Related Party of yours received any gift from any organization with which VMA now has, or you have reason to believe, may have now or in the future a business relationship? Do not include any unsolicited gifts from any donor having a total value during the Reporting Period of less than fifty dollars (\$50.00).

Yes__ No__ If Yes, please provide details.

7. Is there any other circumstance or association that could be a Conflict of Interest between you or any Related Party of yours and VMA?

Yes__ No__ If Yes, please provide details.

8. I acknowledge the Village's interest in having up-to-date information and will report expeditiously to the chair of the Village Council any changes that may occur to my responses to this questionnaire.

I Agree__

My answers to the questions above are correct to the best of my knowledge and belief.

Signature

Printed Name

Date

Definitions for Purposes of this Questionnaire

Related Party Means any person who has the potential to influence the actions of another person, including without limitation immediate family members (spouses, domestic partners, parents, children, siblings, and in-laws) and business colleagues and associates.

Material Interest Means a financial interest greater than \$50.00 or any interest that has the potential to influence the independent judgement of a person.

Conflict of Interest Means the potential to influence or in the perception of

others to erode the undiminished loyalty of a person to the interest of VMA.

Transactions

Means dealings with which one party agrees to perform one or more obligations in exchange for one or more obligations of another party, whether or not such arrangement is memorialized in writing.