November 28, 2011

To: Town Council
From: Betty Wassmundt

RE: Code of Ethics

Given but 5 minutes to speak I must just refer you to the lengthy document I emailed to you in which I outlined the many problems I find with the Code of Ethics you are presenting to the people. I suspect there may be other problems which my limited ability in the legal world does not allow me to recognize. For example, consider the definition of "Gift", "Anything of value, including etc". Mostly when I see this type of definition I see "including but not limited to" etc. Should but not limited to be in this definition? Is this a legal issue? Are there others?

Over two years ago I requested, and do so again, that this Council debate in open forum what your policy position is regarding a code of ethics for this town. From the code presented I must conclude that your policy is to allow town management to operate any way they want. I request that Council state clearly to the public what your position is.

Before you proceed further with this code, I request that you hold an open forum with the public so as to allow the public to present to you town situations which the public thinks may be unethical.

I re-iterate to you that this is a very bad code. I request that you:
1. Hold an open forum with the public; listen to the citizens.
2. Clearly state your policy position as to what this town's code of ethics should accomplish. Stop hiding behind "past practice" and union agreements.

If it is the case that, after debate, you want town management to be allowed to operate according to the code presented, there is nothing more to say.

If you want a code that that will provide the environment to encourage ethical behavior among the town's employees and its community leaders, please set up a committee of towns' people and let them write Mansfield's Code of Ethics, for your review, of course.

I offer to arrange for such a committee. I suggest this since I expect both you and the Ethics Board have spent enough time on this project. Let someone else do it.

November 27, 2011

To: Town Council
From: Betty Wassmundt

Re: Proposed Code of Ethics (henceforth referred to as "code")

Following are some reference websites which you should review before voting on this towns' "code". I make reference to these in my discussions. I will try to include the parts referred to so you don't have to look them up but most likely, I will miss some.

http://www.cityethics.org/content/model-code-introduction
http://www.cityethics.org/content/full-text-model-ethics-code
http://www.cityethics.org/mc/gi/aspirational
Town of Glastonbury Code of Ethics: http://www.glasct.org/index.aspx?page=100
University Code: http://www.audit.uconn.edu/doc/codeofconduct.pdf

My comments and questions about this "code": I request that you reply to my questions and that you provide the information I've requested.

The Model Code recommends Annual Financial Disclosure and Whistleblower protection. **Why are these not included in this "code"?** The Board of Ethics, in the changes they proposed to the existing code, included Financial Disclosure; from their discussions it seemed they felt quite strongly about including this. I was at the Personnel meeting when Greg Haddad and Peter Kochenburger discussed the Board of Ethics proposed code changes; the two of them dismissed Financial Disclosure because they did not want to do it. This "code" is supposed to give the public confidence in their government. **Why is Financial Disclosure not in this "code"?**
Whistleblower protection is very important. **Why do you not include it?**

The Model Code includes a provision for "Personal Benefit". There is reason to provide for benefit other than financial in Mansfield's "code". **Why is there no provision for this in Mansfield's "code"?**
The Model Code definition: "Personal benefit" includes benefits other than those that are directly financially advantageous. These include financial benefits* to relatives*, business associates, and others listed in 100(1), as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career. A "personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by certain action or inaction with respect to it.
The Glastonbury Code provides for "Beneficial Interest". Definition: *Beneficial Interest* means any non-financial interest or special treatment that is not common to other citizens of the town. An individual's "beneficial interests" shall include the "beneficial interests" of all members of his/her family.

Comments on 25-4 Definitions:
GIFT
"Anything of value, including entertainment, food, beverage, travel and lodging given or paid to a public official or public employee, to the extent that a benefit of equal or greater value is not received."
1. This definition is inadequate.
2. Public Official is defined. Employee is defined. Public modifies Employee; please define Public Employee.
3. Include Immediate Family in the definition.
4. Eliminate: "to the extent.....is not received." This opens the door to possible abuse. 5. With the presented definition, consider: The Town Manager's wife & guests are offered a weekend in Bermuda by a company looking to do business with the town. She pays $300 for said trip and the company claims that to be the true value; she takes her family as her guests.

Is this a gift to the Town Manager?
Was a benefit of equal or greater value received by the company?
6. A better way is to use the definition that the Glastonbury Code does.

"*Valuable Gift* is a gift of more than fifty dollars ($50.00) in value. A valuable gift includes, but is not limited to, entertainment, food, beverage, travel, and lodging to the extent that the gift value exceeds fifty dollars ($50.00) for any one (1) occasion, and one hundred dollars ($100.00) total in any one (1) year from the same person, as well as loans that are not commercially reasonable."

A gift does not include:

-

"A political contribution otherwise reported as required by law or a donation or payment as described or defined in subdivision (9) or (11) of subsection (b) of Conn. General Statutes section 9-601 a;"
1. Limit the amount of the contribution; a very large contribution can sway one's opinion.
2. Provide the section of the statutes referred to – remember this code is for the uninformed citizen/employee.

"Services provided by persons volunteering their time;"
1. Remove this exclusion from this "code".
2. I do not see this in The Model Code; I do see it in the Connecticut General Statutes (CGS) but not in this form.

CGS: (2) Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for public office or the position of convention delegate or town committee member or any referendum question;

3. Example: Consider that a local contractor looking to do business with the town volunteers his time to build a hot tub enclosure for say, Councilor Moran. **Is this acceptable?** According to this "code's" definition this is not a gift.

"A gift received from an individual's spouse, fiance or fiancee, the parent, brother or sister of such spouse or such individual, or the child of such individual or the spouse of such child;"
1. **Did anyone check to see if this is consistent with all other definitions in this "code"?**

"Goods or services which are provided to the municipality and facilitate governmental action or functions;"
1. **Why is this here? This "code" applies to individuals, not the municipality; or does it?**

"A rebate or discount on the price of anything of value made in the ordinary course of a business without regard to that person's status;"
1. Well, this is interesting, it allows for a lot of personal interpretation and ambiguity. Change it. Use the State Statute clause which follows:

CGS: (7) A rebate, discount or promotional item available to the general public;

2. With this clause in our "code", I immediately think: **what rebates can town management, council members, etc. get that I don't know of?** This "code" is supposed to give the public confidence in their government; this clause does not do so.

"A meal provided at an event and/or the registration or entrance fee or travel costs to attend such an event, in which the public employee or public official participates in his official capacity;"
1. This part needs some thought. I think the CGS statement is better.

CGS: (9) Food or beverage or both, costing less than fifty dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance;

"A meal provided in the home by an individual who resides in the municipality;"
1. **Why is this in here?** This, too, makes me wonder what is going on that I don't know about.
2. What if this meal is in the home of an insurance agent who lives over the line in Coventry who just happens to want the town's business?

Comments on 25-5 Board of Ethics
Refer: 25-5D: (See "code")
1. **What is meant by political committees?**
2. Please refer to The Glastonbury Code section 2-58(c). This section states in a very clear way a more comprehensive and well thought out set of qualifications; please use these.

Refer: 25-5E: At the bottom of the paragraph, read: "place a sign....or sticker;" surely that can be better stated.

Comments on 25-6 Organization & Procedure
Refer: 25-6D:
1. What are the "existing rules and procedures of the Town of Mansfield" referred to here? They should be clearly stated.

Comments on 25-7 Rules
Refer to Section 25-7B (1) line 2 Gifts: "which to their knowledge is interested"etc.
1. Well, that provides town management a lot of wiggle room.
2. Take "to their knowledge" out; remember, a code of ethics for a municipality is supposed to give the public confidence in their government.

Refer to Section 25-7B (2) Gifts: Simplify this to: If a prohibited gift is offered, the employee or official must refuse it.

Refer to section 25-7C (4) Conflict of Interest:
" a public employee or public official who is employed by the State of Connecticut may vote or otherwise participate in a matter if it involves the State.of Connecticut and the interest is shared with a substantial segment of the population of the Town of Mansfield and also with a substantial portion of persons employed by the State of Connecticut outside of the department or unit in which the public employee or public official is employed."
1. There has got to be a problem when a group of State of Connecticut employees is voting to accept a "code" which excludes State of Connecticut employees from conflict of interest given certain conditions, when in most cases a majority of State of Connecticut employees will decide if the condition applies or not. **Don't you agree? It would appear that there is an inherent conflict of interest in voting on this.**
2. Much better to use what is in Glastonbury's Code:
Glastonbury: An official, employee or consultant does not have a significant financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if the interest accrues to such individual as a member of a profession, occupation, or group to no greater extent than it accrues to any other member of the profession, occupation, or group with which he/she is affiliated as set forth in Connecticut General Statutes Section 7-148h(b).

Refer to section 25-7D Representing Private Interests: **Do I read this correctly that all of you and many others who receive no compensation for their services are exempt from this Rule?**

Refer to Section 25-7F Confidential Information: **This starts: "No public employee" etc, should that not be "no employee"? If not, why not?**

Refer to Section 25-7G Use of Town Property:

1. **Define the specific official Town policy or contracts referred to in this Rule.**
2. Remove the last sentence. In essence, this last sentence negates the rule.

Refer to section 25-7K Bribery:
1. **Does this belong here? Is Bribery an ethics issue or is it a crime?**

Refer to section 25-7 M Political Activity:
1. **In the 4th line down, clearly define "while on duty for the Town".**

Comments on 25-11 Severability etc:
Consider the final statement: "Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail".
1. Well, all I can say is that this clause really takes the cake. The Personnel Committee, the Town Attorney and town management have exceeded all my expectations. With this one little clause any good that may appear in this document is negated. Effectively you say to the public: be damned all you taxpayers; Mansfield management is going to do whatever it wants and we, the Council, should you vote "Yes" for this "code", condone it.
2. The Model Code clause on Severability follows.
"221 Severability.
If any provision of this Code is held by any court, or by any federal or state agency of competent jurisdiction, to be invalid as conflicting with any federal, state, or City Charter provision, or is held by such court or agency to be modified in order to conform to the requirements of such provision, the conflicting provision of this Code is to be considered a separate, independent part of this Code, and such holding shall not affect the validity or enforceability of this Code as a whole or any part other than the part declared to be invalid."

Final comments:

This "code" is so bad that I urge you to just dismiss it. The Glastonbury Code of Ethics is quite good. Perhaps it is possible to use that code with Glastonbury's permission.

Or, I believe that I could get a committee of well informed citizens who would work on a Code of Ethics and present it to you. This town has a lot of well informed citizens; you should take advantage of their expertise. Bet it could be done in a few weeks.

Better yet, a Board of Ethics is the perfect situation to "regionalize". I volunteer to do the work.

YAHOO! MAIL Classic

Ethics ordinance Monday, November 28, 2011 10:08 AM

From: "Elizabeth Wassmundt" <etwno1@sbcglobal.net>
To: TownCouncil@mansfieldct.org

Dear Council Members;

I just forwarded to you an email I had sent just about 2 years ago regarding the Board of Ethics. I meant to put this note in it but forgot.

In my opinion, nothing has changed in the two years. Council still is remiss in doing it's job for the citizens who have elected you. You need to debate and take a position on what you want this town to have as a code of ethics before setting out to develop a "code". Do you want this code to give confidence to the public that their government is acting properly or do you want to validate whatever town management elects to do in "their" own interest.

Government is most interesting; you are in a position to never answer a question or take a position. No wonder so many people are disrespectful of their government from town up to federal.

Betty Wassmundt

YAHOO! MAIL Classic

Fw: To Committee on Committees re Board of Ethics Monday, November 28, 2011 9:59 AM

From: "Elizabeth Wassmundt" <etwno1@sbcglobal.net>
To: TownCouncil@mansfieldct.org

--- On **Sun, 11/1/09, Elizabeth Wassmundt** ***<etwno1@sbcglobal.net>*** wrote:

From: Elizabeth Wassmundt <etwno1@sbcglobal.net>
Subject: To Committee on Committees re Board of Ethics
To: "Bruce Clouette" <clouette@charter.net>, "Leigh Duffy" <DuffyLA@mansfieldct.org>, "Meredith Lindsey" <merilindsey@snet.net>
Cc: "Bruce Clouette" <clouette@charter.net>, "Leigh Duffy" <DuffyLA@mansfieldct.org>, "Gene H Nesbitt" <Nesbittgh@mansfieldct.org>, "Greg Haddad Haddad" <haddadg@mansfieldct.org>, "Helen Koehn" <hkoehn@yahoo.com>, "Meredith Lindsey" <merilindsey@snet.net>, "Betsy Paterson" <patersone@mansfieldct.org>, "Christopher R. Paulhus" <paulhuscr@mansfieldct.org>, "Carl Schaefer" <carl.schaefer@uconn.edu>
Date: Sunday, November 1, 2009, 6:53 PM

November 1, 2009

To: The Town of Mansfield Committee on Committees

From: Elizabeth T. Wassmundt
54 Old Turnpike Road
Storrs , CT 06268

CC: Town of Mansfield Town Council

I am writing to request that you advise the Town Council to immediately rescind all appointments to the Ethics Board. This should be done without prejudice.

The people of this town deserve a capable, functional Board of Ethics. The Board of Ethics that we now have is not functional for many reasons. It is my goal in writing this letter to not criticize anyone nor to criticize the work this Board has done to date. It is my goal to point out what I think should have been done back in 2008 when this Board was re-activated. I hope you will remember that I have brought issues to the Council and these have been shown to be correct; for example the errors in the Landlord Registration and Housing Code and the issue of the handling of Matt's $10,000 fringe benefit. I bring this up only to ask that you give credence to my comments and suggestions.

As a disclaimer, I tell you that I have no personal interest in submitting any ethics complaints. My only goal is to accomplish a Code of Ethics for the Town of Mansfield

that complies with current best ethical standards for municipalities. The people of the Town of Mansfield deserve this.

It is my belief that a town government is a public trust designed to conduct the business of the people. As such, it should be run as an efficient business with the interest of the public at the foreground.

It is my belief that the reason for a code of ethics for a municipality is to give the public confidence in the operation of their government and to provide guidance for town officials in the conduct of daily business. The reason to have a good code is not to punish people for wrong doing nor even to look for wrong doing. A good code of ethics should establish the culture by which the town operates.

This brings me back to 2008 when this "new" Board was reconvened. I have thought a lot about ethics over the years because of a previous business which I had owned. In 2008 I was aware that I knew very little about the Code in this town and that I had thought little about it. Now, it is my opinion that no one gave serious thought to the re-activation of the Board and to developing a new code for Mansfield . It is my opinion that this is the reason for the problems inherent in the current Board and the reason why this Board should be disbanded.

In early 2008, the Town of Mansfield Board of Ethics had not met for many years. In 2008 there was no one legitimately on this Board. During the 14 or so years since the first Board, the public interest in the need for a code of ethics for a municipality and the duty of a municipality to provide a robust code have all increased dramatically. The State of Connecticut now urges a uniform code for all towns. The reactivation of Mansfield 's Board of Ethics in 2008 was the time for Council to look at the existing code, to look at recommended codes and to decide on policy as to a Town of Mansfield Code of Ethics. I don't fault the Council but this was not done; everyone just went blindly into reactivating the former Board without thought. It is understandable that this was done but the result is the current dysfunctional Board.

I urge the Committee on Committees to recommend that Council:
1. Rescind all appointments to the current Board of Ethics.
2. Decide policy as to the Town of Mansfield Code of Ethics.

I suggest the following which I have taken mostly from one of the references given below.
The Council recognizes that the current Code of Ethics is outdated and needs revision. The Council recognizes that the Board of Ethics is an important part of the Town of Mansfield government. The Town of Mansfield Code of Ethics is established to regulate official conduct in order to achieve the goals of assisting honest officers and employees in avoiding ethical missteps before they occur, and to inspire public confidence in government by encouraging high standards of conduct among municipal officers and employees. Ethics regulations are the rules of the road for official conduct.

3. Provide guidelines for the Committee on Committees as to selection of candidates for our Board of Ethics.

Time is not of the essence. Look for the right mix of people to comprise the Board. Candidates must be electors of the town and no more than three members of any party may sit on the Board at one time.

I suggest the following conditions as goals for the selection of candidates.

Candidate must be an elector. Ideally the Board should have a mix of democratic, republican and unaffiliated voters. All other conditions in the current code must be met.

Candidate should not be a politically involved person.

Candidate should not be a member of any political town committee.

Candidates should not have any contractual business dealings with the town.

Limit the number of University of Connecticut employees on the Board.

The Board, ideally, should be composed of diverse members of the community.

Make it clear that, at this time, one of the jobs for this Board will be to develop a new Code of Ethics.

Direct the Committee on Committees to look for the proper candidate and to take the time to do that.

4. Provide precise direction to the newly appointed Board of Ethics.

I suggest the following.

This Board is expected to develop a new Code of Ethics adhering to the current best ethical practice for municipalities. Suggest that they consider the Model Code as presented by Cityethics.org and that they review codes recently developed by other towns such as Windham and Glastonbury.

Provide this Board with all documents which might influence the operation of their Board such as:

Copy of Existing Code of Ethics

Copy of all state statutes referred to in current Code.

Copy of all state statutes pertinent to a current municipal code of ethics.

Board of Ethics Complaint Procedure

Copy of the Freedom of Information Act, phone numbers to the FOI Commission, reference to FOI website.

Copy of town Code 192 and any other town codes which might apply to an ethics board.

Copy of all town policies.

Website references such as to Cityethics.org.

Website reference to Roberts Rules of Order.

5. Provide a small budget to this Board.

Legal advice may be necessary and, potentially, it is a conflict of interest for the Town Attorney to be involved. It is best to use an unaffiliated attorney.

Provide clerical help independent of town management. This would not be a lot of money.

6. Provide for some training to the members.
I suggest the following:
Perhaps provide for some Council member to discuss ethics with the newly formed Board.
Budget some money for a municipal attorney to provide training.
Make available all pertinent courses and seminars.

In conclusion, it is not important that we do not have a functioning Board of Ethics immediately. It **is** important that we establish a good board and a good code. Any citizen who has observed this current Board could not have confidence in its operation. This is not a criticism of the Board members but it is the case that serious problems have occurred within this Board and, **all** members of this Board have been improperly influenced by town management. In the interest of the public, this should be corrected. It would not be fair to any of the current Board members to leave them in their positions. This Board should have all appointments rescinded immediately. It is best to start over. I urge the Committee on Committees to make this recommendation.

The town should be willing to spend some time and maybe a little money to get a good Code of Ethics. I will be happy to discuss my opinions with any one of you or with your Committee. My phone is 860-429-8300. Please read the reference material. Thank you.

Reference websites:

http://www.nysba.org/AM/Template.cfm?Section=Home&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=23667

www.Cityethics.org (Look for the Model Code)

My second item concerns **Section 25.7 G of the Proposed Ethic's Code**:

"Use of Town Property. No public employee or public official shall request or permit the use of Town funds, services, Town owned vehicles, equipment, facilities, materials or property for personal use, except when such are available to the public generally or are provided by official Town policy or contract for the use of such public employee or public official. Enforcement of this provision shall be consistent with the Town's legal obligations."

Regarding the three exceptions:

1. First, "*except when such are available to the public generally*". Is there ever an occasion when I can use the Town's backhoe or vehicles? When are they available to the public, generally?
2. Second, "*or provided by official Town Policy*" is nested logic. It refers to another policy that is not specifically referenced. I thought this was the ethics policy. If not, where is this "official Town Policy"?
3. Third, "*contract for the use of such public employee or public official*". Aside from the fact that it makes no sense as written, it seems to imply that you can contract for an employee to do work or is it that an employee can borrow equipment? It is simply unclear.

In my opinion Section 25.7 G should be rewritten in easily understood terms that the town expressly prohibits the borrowing of its goods, services, equipment or vehicles. This paragraph is dense and purposefully vague and serves to protect the previous behavior of borrowing from the town.

Now, my third item is a request that you obtain legal counsel from an attorney specializing in tax law to determine if the Town of Mansfield's has a legal obligation to report all current and past uses of "borrow" town equipment, vehicles and services by employees under a "fringe benefit" of their employment, and as such subject to the rules under IRS Publication 525 of the Federal Tax Code. Also, all requests to borrow equipment, vehicles and services must be in writing for the purpose of tracking, utilization, and reporting of this employee fringe benefit to the IRS.

Finally, at the November 14, 2011 meeting Mr. Ryan reported a quarterly savings of approximately $197,000 dollars. And mentioned the possibility of increasing health insurance benefits to town employees. May I suggest that the town council lower our tax burden rather than giving these funds away? Also, may I point out that this sum of money ($197,000 dollars) represents hardly a windfall. A one-day stay in a Neonatal Intensive Care Unit is approximately $12,000 per day per patient.

Sincerely,

Patricia A. Suprenant

To: Members of The Town council
From: Carol Pellegrine
November 28, 2011
RE: Ethics ordinance

I have a number of suggestions in regard to the proposed Ethics Ordinance. As a former member of the Charter Revision Commission, former teacher and current probate employee, I will say that I have found that there are times when it is impossible to anticipate all the "what ifs" in life and that we are better off not to try. I will admit that I did look at a neighboring town's Ethics Code and confirm that they have avoided the many pitfalls that I think we have fallen into.

Specifically in the **Section 25-4 Definitions** a **Gift** is defined as "anything of value ....." It then goes on to define what it is **not** and this is where things can get very muddy. The list can be endless. For example an **"honorary degree bestowed upon a public official..."** can certainly be considered to be a gift to anyone for performing a task. For a public official when would it **not** be a gift? As a matter of fact, this same item is excluded in 25-7 J. Meals, registration and travel costs to attend an event for a public official should be considered a gift unless it was paid for by the municipality or the individual. Since this list could go on forever, I suggest that the entire section of "A gift does not include:" be eliminated and only deal with what a gift includes "anything of value exceeding $25 that could be reasonably expected to influence the action or judgment of the public official or public employee."

In this same section I find the definition of "**Public Official**" extremely muddled. May I suggest that instead of this run–on sentence, you include a list of Town agencies subject to the Code of Ethics and those not. If a new commission or board is created by the Council, one of the subjects to be considered at its creation would be to which list it belonged.

My next major concern is in **Section 25-7 Rules.**
Section B. **Gift** should only contain item (1) and (2). Item (2) should say only that if a prohibited gift is offered, the employee or public official shall refuse it and return it. There is no way that this "gift" should become a "gift" to the town!

Section C. **Conflict of Interest** should contain only items (1) and (2). Item (3) allows one to vote or otherwise participate in a matter if it involves "a determination of general policy and **the interest is shared with a substantial segment** of the population of the Town of Mansfield." This qualifying situation creates a very subjective criteria that absolutely undermines the conflict of interest. **Who and how will someone** have the ability and knowledge to determine if an action is **shared by a substantial segment of the town?** Item (4) does the same thing only this time it also includes public employees or public officials who are employed by the State of Connecticut as part of the same subjective criteria. **Who** determines "that general policy and interest is shared by a substantial segment of the population"? Items (3) and (4) need to be removed.

Section D. **Representing Private Interests** "Except for a public official who receives no compensation for their services to the Town other than per diem payments or reimbursement of expenses…" can these public officials be identified? What public officials receive any reimbursements? Do we consider that the Council receives reimbursement for their meals that are provided them prior or during their meetings? "No public employee or public official shall appear on behalf of private interests before any board, agency, commission or committee of the Town of Mansfield." Is Storrs Downtown a private interest? Can public officials appear before boards and commissions on behalf of Storrs Downtown?

Section G. **Use of Town Property** I would suggest this change in the statements: "**No official or employee shall use, or permit the use of town property of any nature, including vehicles, supplies and real property, for the benefit of himself or herself, except when property is made available to the general public and then on terms and conditions not more favorable than those available to the general public.**"

Section K. **Bribery** I find this to be the same as B. Gifts except I like it better, except for the title. I would suggest it be dropped, but maybe move the definition to gifts.

Section 25-5 **Board of Ethics**:

D. I suggest that the last statement be "Members of the Board of Ethics may serve **concurrently** on any Town advisory board, as described in 'Public Official'."

E. This section has to do with the non-political activity of the Board of Ethics and I wonder how one can be prohibited from having a joint property owner place a political sign on their property.

I believe in brevity and simple statements when we are attempting to set down rules and standards. I believe this code has a good foundation but needs to be made more simple, with fewer "what ifs" and more consistency. I would suggest that those responsible for this task make certain they look at neighboring towns that have already spent the time and effort to create a polished product. As this stands presently, the Code of Ethics needs work and I would urge the Council to fix it before proceeding.

Carol Pellegrine

To: Members of The Town council
From: Carol Pellegrine
November 28, 2011
RE: Ethics ordinance

I have a number of suggestions in regard to the proposed Ethics Ordinance. As a former member of the Charter Revision Commission, former teacher and current probate employee, I will say that I have found that there are times when it is impossible to anticipate all the "what ifs" in life and that we are better off not to try. I will admit that I did look at a neighboring town's Ethics Code and confirm that they have avoided the many pitfalls that I think we have fallen into.

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Arthur A. Smith
74 Mulberry Road
Mansfield Center, CT 06250

November 27, 2011

Mansfield Town Council
Audrey Beck Municipal Building
4 S. Eagleville Road
Mansfield, CT 06268

Re: Ethics Ordinance for the Town of Mansfield

Dear Town Council Members:

Much work has obviously gone into the worthwhile town initiative of drafting an Ethics Ordinance for the Town of Mansfield. Ms. Maria Capriola, Attorney Toni Moran and Attorney Dennis O'Brien should be commented for their drafting efforts. However, I have read the proposed Ethics Ordinance and have contrasted it with provisions offered at http://www.cityethics.org/content/full-text-model-ethics-code and now have a few questions that I would like to hear addressed, if possible.

Shouldn't the model ethics code specifically address the unique role of consultants? I do not see that their function is addressed in the proposed ordinance. Because they are neither employees nor officials it seems a serious omission. I have downloaded the discussion from the model code as follows:

Consultants are an in-between group. They're not officials or employees, nor are they people who do business with the city. They advise or sometimes act for the city, and have access to confidential information as well as special relations with city staff.

A consultant* may not represent a person or entity other than the city in any matter, transaction, action, or proceeding in which the consultant participated personally and substantially as a consultant to the city. Nor may a consultant represent a person or entity in any matter, transaction, action, or proceeding against the interest of the city.
Comment: Other rules that apply expressly to consultants are 100(8) (Confidential Information), 100(21) (Honesty in Application for Positions), and 101(2) (Transactional Disclosure). Also see the comments to 100(11), the revolving door provision.*
Many codes also include language such as: A consultant may not accept other employment that will either impair the consultant's independence of judgment with respect to the consultant's official duties for the city, or that will require or induce the consultant to disclose confidential information pursuant to subsection 8 of this section.
The same problem appears as in the comments to 100(1) above: how does one know or prove that employment will impair someone's judgment or induce someone to disclose confidential information? It is enough that consultants are prevented from representing parties against the city or in matters the city hired them to deal with, and that they be included in the confidential information provision, 100(8).

Also, shouldn't provisions be in place for when the Ethics Commission has failed to act in a timely manner that allows for Injunctive Relief? The model code provides the

following language that could be incorporated into the ordinance to address such a failure to act:

. Any resident, official, or employee of the city may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction for injunctive relief to enjoin any person or entity from violating this code or to compel any person or entity to comply with the provisions of this code. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.
2. No action or special proceeding may be prosecuted or maintained pursuant to subsection 1 of this section, unless (a) the plaintiff or petitioner has filed with the Ethics Commission a sworn complaint alleging the violation, (b) it is alleged in the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Ethics Commission, and that the Ethics Commission has failed to issue a determination in the matter, and (c) the action or special proceeding is filed within ten months after the alleged violation occurred.
Comment: This section addresses the failure of the Ethics Commission to act on a matter before it. When the Ethics Commission does act within the period prescribed by subsection 2, the remedy of the aggrieved party (the complainant or the alleged violator) lies in a proceeding to review the commission's determination (see 216). If the Ethics Commission files a determination in the matter after the 109 suit has been filed, the matter should proceed as a review proceeding, provided that the plaintiff or petitioner is aggrieved by the Ethics Commission's determination.

Shouldn't there be expanded language addressing additional penalties for code violations to fully compensate the town for all costs associated with violations of the public trust? The model code offers the following:

1. Resignation, Compensatory Action, Apology.
Violation of any provision of this code should raise conscientious questions for the official or employee* concerned as to whether resignation, compensatory action, or a sincere apology is appropriate to promote the best interests of the city and to prevent the cost - in time, money, and emotion - of an investigation and hearings.
Comment: *An official should not compound ignoring a conflict of interest by again putting his or her personal interest ahead of the public interest by denying, obfuscating, or covering up what he or she knows to be true, or by, directly or indirectly, falsely accusing others of misconduct. An apology that includes sincere remorse and a willingness to make reasonable reparations restores respect and dignity, brings peace to personal and partisan rancor, assures the public that it is safe from further harm.*
2. Disciplinary Action.
Any person or entity that is found to have engaged in action or inaction that violates any provision of this code may be reprimanded, suspended, or removed by the Ethics Commission, or the Ethics Commission may seek or impose any of the sanctions or remedies listed below or in 215.
Comment: *Many cities do not choose to allow ethics commissions to suspend or remove officials and employees. This can be a special problem where the employee is covered by a collective bargaining agreement. Below is alternative language for such cities:*
Any person or entity that is found to have engaged in action or inaction that violates any provision of this code may be reprimanded by the Ethics Commission. If the Ethics Commission recommends that the violator be suspended or removed from office or employment, or be subject to any other sanction or remedy authorized by law or collective bargaining agreement not listed in this section or in 215, the legislative body must choose, in an open session held after applicable public notice, whether and to what extent to impose such sanctions.
Requiring the legislative body to make a determination on the ethics commission's recommendation is very important, because otherwise a council majority could prevent the matter from being debated (or they could dispose of it secretly in executive session).
An alternative approach is to make it more clear what sort of violation of this code can lead to suspension or removal, and to require a supermajority, as in the following language:
The Ethics Commission may suspend or remove a respondent from office, or employ other sanctions or remedies authorized by law or collective bargaining agreement not listed in this section or in 107. To

suspend or remove a respondent, the violation must have been committed either with (i) fraudulent intent to secure the unjust enrichment of the respondent or another person or (ii) malicious intent to inflict pecuniary or other substantial injury upon another person. A respondent can be suspended or removed only by the vote of four members of the Ethics Commission.

Two important limitations on an ethics commission suspending or removing employees must be taken into account: (i) union rules and procedures; and (ii) civil service rules and procedures. Since these vary greatly, each city must determine how to take these into consideration without undermining the Ethics Commission's enforcement powers, especially with respect to elected and appointed officials who are neither union members nor civil service employees (and most ethics proceedings involve such officials). Protection of union and civil service prerogatives can be used a way to take enforcement power out of the Ethics Commission's hands. Please share your experiences with union and civil service conflicts with ethics enforcement.

When politicians do give this power to an Ethics Commission, especially one not of their choice, it makes a strong commitment to a neutral, non-politicized ethical environment and sends a clear message to people in the city government and to those who work with it.

Please also share your experiences with ethics commissions that do have the power to suspend or remove employees, as well as with situations where this power is reserved to the legislative body or other individuals or bodies.

3. Civil Fine.

Any person or entity that violates any provision of this code may be subject to a civil fine of up to $2,000 for each violation, payable to the city. A civil fine may be imposed in addition to any other penalty authorized by this code or by law, other than a civil forfeiture pursuant to subsection 5 of this section. However, a civil fine may not be imposed for a violation of 100(9) of this code.

4. Damages.

Any person or entity that violates any provision of this code is liable in damages to the city for any losses or increased costs incurred by the city as a result of the violation. Such damages may be imposed in addition to any other penalty authorized by this code or by law, other than a civil forfeiture pursuant to subsection 5 of this section. (emphasis, here, I have added)

5. Civil Forfeiture.

Any person or entity that intentionally or knowingly violates any provision of this code is subject to a civil forfeiture to the city of a sum equal to three times the value of any financial benefit* he, she, or it received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty authorized by this code or by law, other than a civil fine pursuant to subsection 3 or damages pursuant to subsection 4 of this section. Civil forfeiture is not available for a violation of 100(9) of this code.

Thank you for your consideration of my questions; if I have overlook where these provisions have already been addressed, please forgive my oversight.

Sincerely,

/s/ Arthur A. Smith

Arthur A. Smith

Patricia A. Suprenant
441 Gurleyville Road
Storrs, CT 06268

November 28, 2011

Town Council
Town of Mansfield

To Whom It May Concern:

I must be in a time machine. For, I feel myself transported back to the future. The Town Council is considering reinstating their very own version of the "The Alien and Sedition Acts".

Included in the November 28,2011 Packet prepared for discussion at tonight's meeting is a memo from the Town Manager Matthew Hart (dated June 1, 2010) in which he defines "Harassment" as follows:

"The Town recognizes the right of citizens to criticize their government, but this must be done responsibly with civility and should never take the form, for example, of a defamatory statement or inflammatory criticism regarding a Town employee, especially in a public forum."

Wow! This is a bad idea that simply won't die!

While the sedition component of the Alien and Sedition Acts of 1798 was never challenged in a court of law, it ruled the day in the Court of History. In 1798 John Adams tried the very same thing. His intention at the time was to silence one man- James Thompson Callender- the Father of Investigative Journalism. In fact, Adams had Callender jailed for a period of time under the Act. In his old age and after much reflection, President John Adams (the old lawyer) regretted the Alien and Sedition Act. It blemished his reputation, his record and all of his good deeds accomplished over a lifetime. And, until a biographical rescue by David McCullough, Adams was effectively removed him from the Pantheon of American heroes.

Again, in 1918 the Sedition Act rose up only to be later struck down.

And now, in 2011 Mansfield has *its* own version for consideration at tonight's meeting as part of Exhibit A.

That you should even consider such language flies in the face of all the freedoms long fought for in this country, but in particular the one that we hold near and dear-freedom of speech, which is protected by the First Amendment to the Constitution!

Imagine for a moment, if we were prohibited from criticizing the President of the United States or his aides or other staff members or Congress in a public forum because it might be inflammatory?

November 28, 2011

To: Town Council
From: Betty Wassmundt

A few meetings ago I asked that this year's budget information include, for each department, the current expense for salaries and to show separately the cost of expected raises. I have another budget request.

At the last Finance Department meeting I was surprised to hear the Chair of the Finance Committee ask the Finance Director why she had predicted an increase in interest rates. I was astonished to hear her reply that she didn't know but that's what the consultant said.

My request is that this year's budget documents show the cost of all consultants for each department. You, the council, and the public should know how much of our tax dollar goes to pay consultants.

It seems to me that consultants run this town. I'm left wondering why we pay management personnel a wage such that they should be expected to have expertise and be able to do the job beause the consultant does the job. Perhaps all we need are good technicians to follow the consultant's direction. You keep giving people raises but the consultant does the job. What do you hear from your management people but "The consultant said…"? Think about it. "The consultant said…" allows the town employee/town manager/even council to not accept any responsibility for their actions and decisions. This omnipresent but nebulous consultant is the one responsible. I think I said to you before that I've concluded that the form of government Mansfield has is not in the interest of the citizen.

~~Now, go back and ponder the exchange between the Chair of Finance and the Finance Director and recall the idiom about the blind leading the blind. Thank you for your time.~~

November 28, 2011,1

To: Town Council
Delivered by: Betty Wassmundt, prepared by my son who is better able to provide a brief explanation.

Re: Reasons why interest rates are likely to rise

1. Interest rates are at historically low levels. The 10-year treasury is now around 2.05%, the 30- year is around 3.01%. With inflation now running around 3.5% based on CPI numbers, real rates of return from an investment in 10-year or 30-year treasury bonds is negative – this is an unusual occurrence, and not likely to persist.

2. Similar to above, but inflation figures have been moving higher recently. Higher inflation generally leads to higher interest rates.

FEDERAL RESERVE

3. The FED – through Quantitative Easing 1, Quantitative Easing II, and Operation Twist – has purchased hundreds of billions of mortgage-backed securities, agency debt, and Treasury securities. This was designed to provide the markets with liquidity, and to push interest rates down. What do you think will happen when this manipulation by the FED comes to an end?

4. We have seen the devastation that can follow when the markets lose confidence in the debt securities of countries like Greece, or Portugal. With the Budget Super committee admitting defeat – what do you think would be the consequences of China and/or Japan losing confidence in our debt and not buying our Treasury securities? Think it can't happen, just look at Germany's failed bond auction last week, and Germany has been viewed as a safe haven in the broader Euro market. And remember, S&P has already cut its ratings on our debt (to AA+ from AAA) based on their pessimism about policy makers ability to address our long term fiscal issues.

5. Our deficits – and hence our national debt – are still growing by a huge amount, and this is not sustainable. But as long as it continues, the Treasury will need to borrow more to support it.

So I guess to summarize the points – Historically low rates, rising inflation, FED manipulation, lack of confidence, and increasing supply seem guaranteed to push interest rates up.