

**REGULAR MEETING – AD-HOC ADVISORY CHARTER REVISION COMMISSION – TOWN CLERK’S LIBRARY
WEDNESDAY – APRIL 13, 2016 – 5:30 P.M.**

1. 5:30 P.M. CALL TO ORDER

Present: Lawrence Cioppa, Chair
Chris Lawlor, Filer
James Angelo
John Formica (entered 5:41 p.m.)
Christian Lund
Nina Rossomando
Paula Ruisi (entered 5:33 p.m.)
Stephen Turano

Absent: Richard Dudley

Also Present: Benjamin Delaney, Recording Secretary

2. 5:30 P.M. APPROVAL OF MINUTES

Motion by Mr. Turano, Seconded by Mr. Lawlor, to accept the minutes of the April 7, 2016 regular meeting. (Voted unanimously)

Motion by Mr. Lund, Seconded by Mr. Lawlor, to accept the minutes of the April 9, 2016 public hearing meeting. (Voted unanimously)

3. 5:31 P.M. REPORTS

None

4. 5:31 P.M. OLD BUSINESS

A. Organization of the Department of Finance

Mr. Cioppa requested confirmation from the Commission to include a diagram of the recommended organization of the Finance Department.

Mr. Angelo stated he would draft a diagram for inclusion in the Commission’s report.

Discussion was held to clarify the Department’s recommended organization.

Mr. Cioppa cited the motion passed by the Commission regarding organization of the Department.

Mr. Angelo confirmed for Ms. Ruisi the recommended organization would still be considered as an integrated Department.

Mr. Cioppa noted the current draft version of the Commission report was provided to members and requested they review and provide any feedback as needed. He stated the report would be sent to the Town Solicitor to begin preparation of the questions which would appear on the ballot.

Mr. Angelo requested Mr. Turano provide a copy of the organizational diagram he showed.

Mr. Cioppa provided members with copies of an email to the Town Solicitor containing three questions on behalf of the Commission and a response email from the Town Solicitor. He noted the Town Solicitor stated in his response the recommended decrease in the size composition of the Planning

Board from seven to five members was null due to it being defined by ordinance.

Mr. Angelo stated the report should note it as an approved motion and the Town Council had the authority to adopt an ordinance to return the Planning Board to a five-member body.

Mr. Cioppa stated he would include the approved motion in the report with the Town Solicitor's clarification included in the narrative. He noted the Town Solicitor cited seven years as a good 'rule of thumb' for maintaining records and Cathy Brayman, Deputy Town Clerk, stated to him records were maintained for one year.

Mr. Angelo noted inclusion of a footnote in email messages identifying them as public records to be preserved.

Discussion was held regarding the date of the second public hearing, which was clarified to be held Saturday, May 14, 2016.

B. Reasons for Recall

Mr. Cioppa requested members to list potential reasons for recall to be discussed.

Ms. Rossomando noted the Code of Ethics in the Charter of the Town of Narragansett, Rhode Island and stated members should include it in their discussion.

Mr. Angelo stated the Commission should clarify what types of official the reasons for recall would apply to.

Mr. Cioppa, citing a request by Ms. Rossomando, stated the discussion would first be in regard to elected officials only.

Mr. Angelo stated elected officials were responsible to the electorate and a provision in the Charter may include self-policing of elected officials. He also stated the procedure for removal should include a limited period of time to correct the issue(s).

Ms. Rossomando stated her understanding there were no requirements of retraining for elected officials.

Mr. Cioppa stated about one dozen states had a recall procedure without specific grounds. He summarized the recall procedure earlier passed by motion as a recommendation.

Ms. Ruisi stated her support of the Narragansett Town Charter's Code of Ethics.

Mr. Angelo stated officials should be notified if their performance was not to standard.

Ms. Ruisi stated all individuals should be responsible to and be aware of a responsibility to bring up a situation in which something is not right.

Mr. Angelo stated the Charter should include an obligation for the Town Solicitor to take action if they become aware of an appointed or elected official acting in a violation.

Ms. Ruisi noted Marc Tate, IT Manager, was working to restructure the Town website to attach related information to any petition being heard and allow easy accessibility to information.

Ms. Rossomando stated an alternative may be to cite grounds of recall as any violation of the Code of Ethics of the State of Rhode Island or Town of Westerly.

Mr. Angelo stated not all violations were matters of ethics and noted the difficulty in pursuing ethics violations with the Rhode Island Ethics Commission.

Ms. Rossomando questioned the specificity which should be included in the Charter's Code of Ethics.

Ms. Ruisi stated her like of the Narragansett Charter's Code of Ethics.

Mr. Turano noted a public comment by Charles Marsh, Town resident, citing concern of a lack of enforcement by the Rhode Island Department of Environmental Management (RIDEM).

Ms. Ruisi stated RIDEM and similar agencies may have difficulty enforcing due to limited funding for litigation.

Mr. Cioppa and Mr. Formica stated their like of the Narragansett Charter's Code of Ethics.

Mr. Formica stated his like of the Narragansett Charter's Code of Ethics.

Mr. Cioppa suggested the result of the discussion be included in the recommended preamble.

He questioned if the preamble should be renamed 'Code of Ethics' or 'Reasons for Recall.'

Ms. Ruisi noted the text of Section 16-2-2 Conflict of Interest (Narragansett Charter). She recommended all recommended sections be made in one motion. She stated her like of Section 16-1-1 Public Office as a Public Trust (Narragansett Charter).

Mr. Turano, Mr. Formica and Mr. Lund stated their like of 16-1-1 (Narragansett Charter).

Discussion was held regarding Section 16-3-1 Principle of Accountability (Narragansett Charter).

Mr. Angelo recommended the Commission recommend the Narragansett Charter's Code of

Ethics be included in the Charter in its entirety.

Ms. Rossomando stated she did not think all of the Narragansett Charter's Code of Ethics should be included.

Mr. Lund and Ms. Ruisi stated their concern the Code of Ethics may lose its strength if not kept in its entirety.

Mr. Cioppa stated his belief the introductory statement would cover all concerns.

Mr. Angelo stated his concern the introductory statement was too general.

Discussion was held regarding Section 16-1-2 Ensuring Public Respect (Narragansett Charter).

Discussion was held regarding Section 16-1-3 Formulation of Public Policy (Narragansett

Charter).

Ms. Ruisi noted the diversity of opinions across neighborhoods in the Town in relation to 16-1-3e Protection of Minority Rights (Narragansett Charter).

Mr. Lund stated 16-1-3 did not need to be included.

Discussion was held regarding 16-1-4c Whistle Blowing (Narragansett Charter) in relation to existing federal and State laws.

Discussion was held regarding 16-1-5 Personal Gain from the Performance of Public Duties (Narragansett Charter).

Mr. Angelo noted the need for specificity.

Ms. Ruisi stated including Section 16-1-5 would not have a negative impact on the Charter. She also stated her like of Section 16-1-6 Use of Public Employees for Personal Benefit (Narragansett Charter).

Mr. Angelo stated his like of 16-1-8 Use of Title or Prestige for Personal Benefit (Narragansett Charter).

Discussion was held regarding 16-2-2e-ii and 16-2-2e-iii (Narragansett Charter).

Mr. Turano stated his support for Mr. Angelo's recommendation the Town of Narragansett

Charter's Code of Ethics should be recommended for inclusion in the Charter in its entirety.

Mr. Angelo, citing 16-3-3 Principle of Respectability and Fitness for Public Office (Narragansett Charter), stated voters should be responsible for deciding a candidate was fit for public office.

Ms. Ruisi noted the importance of 16-3-3 and 16-3-1 Principle of Accountability (Narragansett Charter).

Discussion was held regarding 16-3-1 (Narragansett Charter).

Mr. Lund questioned if 16-3-1-3a should be included.

Mr. Angelo noted elected officials did not receive employee handbooks and suggested the section be revised.

Mr. Cioppa and Mr. Formica stated 16-3-2 Principle of Democratic Leadership (Narragansett Charter) did not need to be included.

Mr. Formica stated the Charter should identify appointed and elected officials should be held to a higher standard than an average citizen.

Mr. Ruisi recommended the inclusion of 16-3-4 State Ethics Provision.

Mr. Cioppa summarized the text which would be recommended following the exclusions and inclusions of the text of the Town of Narragansett Charter's Code of Ethics:

Public office as a public trust.

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

1. *Pursuit of public interest.* In treating their office as public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

Ensuring public respect.

In treating their office as a public trust, public servants should act so as to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust and support.

a. *Avoiding impropriety.* Public servants should maintain public trust in government by avoiding acts which place personal or private interests above pursuit of the public interest.

b. *Avoiding appearances of impropriety.* Public servants should avoid conduct which tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

Personal gain from the performance of public duties

Except for official compensation, public servants should neither seek nor accept any form of payment, gratuity or other personal benefit relating to the performance of their responsibilities.

a. *Performance of duty.* Public servants should neither seek nor accept any form of personal benefit for the performance of their duty to deal with a matter promptly, efficiently or fairly or for the exercise of appropriate but discretionary representational authority.

b. *Accessibility of elected officials.* Elected officials should assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances and ideas without regard to their willingness or ability to provide personal benefits or political support to the officials.

c. *Personal benefits should never appear to be necessary.* Public servants should not engage in any conduct which could create in the mind of a reasonable observer the belief that persons "I receive

better or different service if they provide personal benefits or political support to a government official.

Use of public employees for personal benefit.

Public servants should not use public employees on government time for private benefit.

a. *Subordinate's responsibility to say no.* Public employees should refuse to perform improper personal tasks on government time.

Use of government property for personal benefit.

A public servant should not use government property or facilities for private benefit.

Use of title or prestige for personal benefit.

Public servants should not use, nor allow others to use, the authority, title or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

a. *Use for commercial purposes.* Public servants should not permit their names or official titles to be used by a nonpublic enterprise in any manner which would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the public servant.

b. *Exploitative fees.* The present or former holder of a high public office which carries with it substantial prestige should not appear to sell the stature of the office by accepting sums that create a general perception that the office has been exploited for private gain.

c. *Use for private advantage.* Public servants should not use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages.

Principle of independent objective judgment.

Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

Conflict of interest.

Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions which may compromise or give the appearance of compromising their objectivity, independence or honesty.

a. *Disclosure of financial conflicts of interest.* Public servants subject to disclosure of financial interest requirements should comply with both the letter and spirit of the regulations and not seek to circumvent them by evasion strategies or legalisms.

b. *Avoidance of financial conflicts.* Despite laws that permit financial conflicts, public servants should make all reasonable efforts to avoid transactions which may compromise or give the appearance of compromising their objectivity, independence or honesty.

c. *Benefits intended to influence.* Public servants should not accept benefits of any sort under circumstances in which it could be reasonably inferred that the benefit was intended to influence them in the performance of their public responsibilities.

d. *Duty to report improper offers.* When the possibility of improper motive requires refusal of a gratuity, the official should firmly warn the person about bribery laws and improper influence; if the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities.

e. *Appearance of undue influence.* Regardless of the actual intent of the provider or recipient, public servants should not accept benefits of any sort under circumstances which would create in the mind of a reasonable observer the belief the benefit may influence them in the performance of their public responsibilities.

i. *Earned income from persons directly affected by actions or decisions.* Public servants should avoid engaging in financial relationships that might reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.

ii. *Gratuities from persons directly affected by actions or decisions.* Public servants should refuse to accept any gratuities which may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.

iii. *Campaign contributions from persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions which may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their decisions.

Recusal and disqualification.

Public servants should not take any public action under circumstances where, due to a conflict in interest, they are not certain that they can do so fairly and objectively.

Bias or favoritism.

Public servants should exercise the powers and prerogatives of office fairly and without prejudice or favoritism. It is improper to use public authority to reward relatives, friends or political supporters or to hinder or punish enemies and opponents.

Intervening on behalf of constituents and friends.

Public officials should be extremely cautious about directly or indirectly intervening with normal decision making, investigatory or adjudicative processes of governmental bodies on behalf of constituents or friends since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits.

a. *General rule.* Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures and the intervener consciously avoids seeking to unduly influence the decision making process. Those who intervene should firmly, explicitly and unambiguously convey their limited purposes to reduce the possibility of direct or indirect pressure on administrators which could reasonably appear to influence the substantive decision.

Principle of accountability.

Public servants should ensure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

1. *Oversight.* Public servants should assure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably and ethically.
2. *Openness.* Public servants should exercise the authority of their offices openly so that the public is informed about governmental decisions and the citizenry can hold them accountable for their actions.
3. *Duty to improve the system.* Public servants who believe that a law or policy is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently and economically.
 - a. *Making changes.* Public servants should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body.

Motion by Mr. Angelo, Seconded by Mr. Formica, to accept the Code of Ethics with the inclusions and exclusions so noted. (Voted unanimously)

Motion by Ms. Rossomando, Seconded by Mr. Turano, to integrate the text with the existing recommended text to retitled from 'Preamble' to 'Code of Ethics.' (Voted unanimously)

C. Voter Initiative and Referendum

Mr. Cioppa stated his like of including the Town of Narragansett Charter's Chapter Four – Voter Initiative and Referendum.

Discussion was held regarding the organization of the procedure.

Mr. Lund noted he had not reviewed the text provided by Mr. Cioppa regarding the initiative.

Ms. Ruisi noted a perceived lack of public engagement.

Discussion was held regarding the number and percent of voters to be required for voter initiative and referendum.

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to recommend inclusion of the text of the Town of Narragansett Charter's Chapter Four – Voter Initiative and Referendum with the substitution of 'Narragansett' with 'Westerly.'

Ms. Rossomando requested confirmation the motion would not allow initiatives or referendums seeking changes which would be against federal or State law to go forward.

(The motion was voted unanimously)

5. NEW BUSINESS

Mr. Lund cited the organization of the Department of Public Works still identified the Director of Public Works to be either the Town Manager or their designee. He noted his personal experience within the Department and his belief the existing departmental organization was working against the Town.

Motion by Mr. Lund, Seconded by Mr. Angelo, to revise the text of 10-1-1 Organization to be “there shall be a Department of Public Works, the head of which shall be the Director of Public Works who shall be appointed by the Town Manager.” He shall be responsible for the efficient operation of all of the activities of the Department of Public Works. The further organization of the Department into separate divisions of offices shall be made by the Council on recommendation of the Manager.”

Mr. Lund noted the addition of a Director would be an added expense for the Town. He clarified the current organization of the Department for Mr. Angelo.

(Ms. Rossomando exited at 7:12 p.m.)

(The motion was voted 6-1 with Mr. Turano against)

Mr. Turano stated he did not see the need for a hierarchy and its related expense. He also stated the position lacked defined qualifications.

Mr. Cioppa stated the Commission should return to its review of the five dominant concerns identified at the beginning of the revision process.

**Motion by Mr. Lund, Seconded by Mr. Lawlor, to place in the Recall section grounds for recall to include violations of the Code of Ethics of the State of Rhode Island and Town of Weterly.
(Voted unanimously)**

Mr. Lund recommended the Commission discuss the number of questions to be included on the ballot at the next meeting.

Mr. Cioppa stated the Commission should discuss ballot questions with Council President Silvestri.

Mr. Turano noted the Commission previously agreed to request to meet with the Public Works Superintendent.

Mr. Cioppa clarified for Mr. Lawlor the Commission would review each page after completing its discussions on all suggestions made by Town staff and decide if further discussion would be needed.

Mr. Angelo stated 13-1-4b should be more specific regarding the duties of the Town Solicitor.

Mr. Turano noted the subsection did not address examination and approval of the form of the Town Charter.

Discussion was held regarding inclusion of the duty of the Town Solicitor to examine and approve the form of the Town Charter.

Discussion was tabled until the next meeting to allow for considerations.

7:24 P.M. ADJOURNMENT

Motion by Mr. Angelo, Seconded by Mr. Lawlor, to adjourn. (Voted unanimously)

Minutes for the April 13, 2016 regular meeting submitted by:

Benjamin Delaney