

Town of Weare Ethics Committee
FINAL

May 3, 2023

Members Present:

Neal Kurk (NK), Wendy Curry (WC), Suzanne Couhie (SC), Luther Drake (LD), Eileen Meaney (EM).

Call to Order: 6:03 pm

Reviewed minutes from the meeting held on 4/19/23- No revisions noted. WC made a motion and NK seconded to accept minutes as written. Minutes accepted by unanimous vote.

Reviewed agenda for 5/3/23.

1. **“Weare In The World” Outreach.** WC completed this action item. Reached out to editor and has agreed to write a monthly brief synopsis outlining the progress of the committee, with the intent of keeping the town informed of the progress of the committee. This information will also be sent to the Town Administrator to be posted on the Ethics Committee page on the town website. WC will send her proposed draft to committee members for their review. WC again advised that any comments should be sent directly and only to her to manage, to avoid board discussions outside of the meeting.
WC requested that the article for “Weare In the World “for meeting on 4/19 be added as addendum to the minutes.
2. **Former Ethics Committee Board member outreach:** NK action item. NK completed this action item and did reach out to a former board member to determine if the former ethics committee ever heard an ethics complaint or issued an advisory opinion. The answer is NO. WC noted that in her research she could not find any minutes posted for this committee. The Town Administrator noted that that board activity and the minutes of their meetings may be archived with Town Clerks office.
3. **Weare Ethics Link on Town Website:** LD asked if the ethics committee webpage is linked in the town website. This has been completed by Town Administrator. Board discussed posting the historic documents including:

Town of Weare Code of Ethics

Town of Weare Ethics Implementation

Town of Weare Ethics Committee Request for Written Advisory Opinion

Town of Weare Ethics Code Violation Complaint

In PDF form, for reference for historical purposes as the current committee determines if these forms will be used in the future. Town Administrator Bolton stated that she will post these to the Ethics Committee page on the town website. NK recommended lettering each document to make the process more “user friendly” for the purpose of clarity. The board agreed.

4. **Official Email for Weare Ethics Committee:** This action item request has been fulfilled by Town Administrator. The town of Weare Ethics Committee email is ethicscommittee@wearenh.gov. Town Administrator Bolton will link the committee members' emails to the Ethics Committee email within the next week, as soon as she has received confirmation of the emails that committee members will be using for this purpose.
5. **Subcommittee Discussion:** Members discussed if we should begin the process of vetting current documents and operationalizing the process of utilizing the committee for advisory opinions/ethics complaints through the establishment of subcommittees. After discussion on what the topics of proposed subcommittees might be, it was decided that there may be preliminary work that would focus on definition of some key terms, as well as understanding the boundaries and limitations of confidentiality before the committee could move to next steps (subcommittee work). For now, potential future subcommittees were identified including:
 - Communication
 - Training
 - Hearing Process
 - Legal Questions

As a group, at the direction of the Chair, it was decided to focus full committee work initially on the process and operationalization of Advisory Opinions.

TOPIC DISCUSSION:

Confidentiality specific to Ethics Committee Inquiry/Advisory Opinion Process.

Board discussed the issue of confidentiality at length. After much discussion, the overarching consensus of the board is that both the identity of the parties that bring an inquiry, as well as the identity of the parties in question, be they individuals or groups should remain confidential. There was consensus among the board that there is value in reporting out the topic of the inquiry/advisory opinion, as well as the ethics committee's advisory opinion- to establish a body of knowledge and direction to future committees, as well as for transparency and educational purposes.

In order to meet these standards, several ideas were proposed:

1. Case #'s to manage the identity of the person who brings a request for inquiry/advisory opinion.
2. Using the process identified under the 91-A statute to go into non-public session to receive information, discuss the inquiry, make an opinion, and develop/write the advisory opinion in such a manner to protect the identities of all involved. Then to come out of nonpublic status to report the information into the public record in a manner that maintains the confidentiality of all involved yet supports the integrity of the reporting process.

It was discussed that in order to be able to move forward in operationalizing the Inquiry/Advisory Opinion process, the board concurred that additional information is needed- specific to the limits of confidentiality under the NHRSA 91-A statute.

The board discussed whether next steps would be to request an answer in writing from Town Council, or to ask Town Council to attend a committee meeting for discussion/advice. WC asked Town Administrator if this would be possible. Town Administrator will bring this request to Weare Board of Selectman for their review/approval.

In the interim, EM stated that the NH Municipal Association may be a source of technical assistance in understanding how other towns have managed confidentiality concerns related to their ethics committees. NK stated that NHMA also offers legal assistance and may be able to answer these questions. LD offered to manage this action item and will reach out to the NHMA to ask:

Can an Ethics Committee keep the names of both the inquirer and the subject of an advisory opinion/inquiry confidential under RSA 91-A. Can the information discussed, as well as any forms that are submitted containing specific information be sealed/restricted from public access under that statute? How can we ensure that this process be in alignment with the specifics outlined in the statute?

WC noted the time and thanked the members for the discussion and work that evening. WC called the Ethics committee meeting to a close and adjourned at 8:07pm. Next meeting to be held 5/17/23

Respectfully submitted in draft for your review,

Eileen Meaney