

**City of New Castle
First Meeting of the
Ethics Committee Meeting
Town Hall 201 Delaware Street
Saturday, October 28, 2107
8:00 a.m.**

Roll Call

Councilperson Michael Quaranta, Chair
Daniel Losco, City Solicitor
Judie Baldini, City Resident
Katie McCormick , City Resident
Rev. Aaron Moore, City Resident
Dan Bungy, City Resident
Joe Wisniewski, City Resident

Meeting was called to order at 8:00 a.m.

Mr. Quaranta opened the meeting by thanking the members for serving on the Ethics Task Force. The next meeting date was set for Thursday, November 9th at 7:00 p.m. Mr. Quaranta stated the interval between meetings should be about two weeks. The Task Force should complete its meetings by the end of the calendar year, and produce a document and recommendations to give to City Council.

Mr. Quaranta asked each member to explain their role in the community and what they feel is important for the Task Force to consider.

Mr. Quaranta stated he is a resident, business owner, has served on City Commissions and is currently on City Council. Mr. Quaranta said he felt whether it pertains to City Government, Boards and Committees and possibly employees there are policy gaps on ethical conduct. He would like to see the Task Force suggest a code of conduct as well as a policy for resolving potential issues. He would like to see a permanent standing citizen committee that would hear concerns from the public relative to ethical or conduct concerns.

Mr. Losco said he has been the City Solicitor since early 2011, and has come to know and love the City. He said the first thing the Task Force needs to consider is whether the City needs a separate Code of Ethics, there is a State Law that provides guidance for these issues. Any code adopted by the City would have to be more stringent to be acceptable to the State. The City would also have to consider enforcement.

Mr. Bungy stated he was born and raised in New Castle. He is involved in many City groups such as Good Will Fire Co., the Lions Club and the Senior Center. He has served on the Planning Commission, and State Human Relations Commission. He said his main concern is community involvement. Mr. Bungy thanked City Council for appointing this Task Force, saying he feels New Castle is changing, and the City needs to change and evolve.

Mrs. Baldini said she is a resident of the City and is involved in organizations in the community. She has watched the community change, and agrees we need to evolve. She said she does not know of any organization that she has been involved with that does not have a code of ethics. Mrs. Baldini was

involved in writing a code of ethics, and feels it is important to be preemptive. She feels it is important to make enforcement a part of this process, and does not want to see a Code of Ethics implemented with no enforcement component. She would also like to see education and training for people who are going to serve.

Ms. McCormick said she has been a resident of the City since 2010; she is a partner in a law firm and advises boards of directors on issues involving Delaware general corporation law, including conflicts of interest. She advises companies on processes related to conflicts. She is interested in learning how the current default process is working, and how the public and other members feel it could be improved.

Mr. Wisniewski is now a resident of the City, and has visited New Castle throughout his life. He is involved with City non-profit organizations and City events. He is currently Director of Operations/HR Director for the Belleview Community Center. He helped with the code of conduct, and enforces it every day. Mr. Wisniewski said he is interested in exploring the social media aspect of the Code of Ethics, and how it would apply outside of meetings. He is also interested in addressing how the Code of Ethics would be enforced.

Rev. Aaron Moore is founder and pastor of Manor Christian Fellowship Church. Rev. Moore said he is a lifelong resident of New Castle, and became involved in City politics due to an incident that involved a family member. He has been involved with the Interdenominational Ministers Action Council for more than 20 years. He is involved in working against racism in State government. He said he feels there is a need for a committee to address conduct and ethics.

Councilperson Quaranta recognized Jerry Rousseau from the audience. Mr. Rousseau said he has dealt extensively with conduct and ethics issues. Mr. Rousseau stated that as a school administrator he has been in the position of having to discipline teachers when issues arise; it is very important that standards are already in place.

Mr. Losco reviewed the current State Law. State law title 29, deals with Code of Conduct for State employees and elected officials. Provision Chapter 58 "it is the desire of the General Assembly that municipalities adopt their own Code of Ethics. It has to be approved by the State Public Integrities Commission and must be at least as stringent as the State law. The State law focuses on conflict of interest. Mr. Losco summarized the State Code, and how issues are dealt with by the State Public Integrity Commission can issue advisory opinions.

Mr. Losco stated that the City might want to implement an Ethics Commission with rules of procedure like the State Public Integrities Commission, as they perform fact finding, issue subpoenas, write advisory opinions, and can hold hearings and write opinions on alleged violations of the ethics provisions. When dealing with elected officials they can issue a written reprimand or censure for conduct, and for employees other than an elected official, they can impose disciplinary action. Mr. Losco stated that elected officials have the right of free speech, and they are entitled to their opinions; that right has to be respected as well. Without such an independent committee, the Council has to act as judge and jury for other elected officials, and that can be an awkward situation.

Mr. Bungy asked if the State law had any provision with regard to conduct, or making derogatory comments. Mr. Losco stated that the conduct section of the State Law deals with conflict of interest issues. Mr. Wisniewski asked how freedom of speech is addressed if an elected official or board

member was speaking publically. Mr. Losco stated that if someone is making defamatory or false statements there are laws that deal with that, but opinion based speech is protected.

Ms. McCormick asked if other local municipalities have adopted a code of ethics, and how has that worked for them. Mr. Losco said he would review other area towns and report back to the board.

Mr. Bungy asked how City Council was able to censure in the past. Mr. Losco stated that Council adopted a Resolution of censure that reprimanded a councilmember.

Mr. Quaranta asked Mr. Losco to review the procedures, autonomy and jurisdiction of a city ethics commission that would hear these types of concerns. Mr. Losco said the jurisdiction and procedures would be set by the Ordinance that established the commission. Appeal rights would be also be included in the Ordinance.

Mrs. Baldini stated she had looked at many states and local governments when working on a Code of Ethics for a community group. She said that almost every city had one, and she feels it is important for New Castle to have one. In dealing with the expectation of free speech we should also have the expectation of fluid government, and meetings being kept on track.

Ms. McCormick said she agrees the City needs a comparable commission so the City does not have to rely on the opinion of an outside body to deal with matters that affect the City of New Castle. She reiterated that an ethics commission would have limited authority over bad or obstructive behavior, and that the ultimate check is in the voting booth.

Rev. Moore stated that he felt it would be a good thing for elected officials to know there is a watchdog for certain behaviors, especially those that involve racial or hate language.

Mr. Wisniewski said City Council needs a mechanism to enforce what is appropriate and legal. City Council needs procedures for controlling a meeting if it gets out of hand.

Mr. Quaranta said voters and elected officials know that elections have consequences. He stated that whatever is created would need to be enforceable; however there are social trends of informality and decorum that we do not have control over.

Mr. Rousseau stated he would like to see a code of conduct and behaviors implemented, whether or not it is enforceable. Behaviors are hard to define, and an individual's right to free speech is important to protect. He feels having a code of conduct in place is important. This would lay the groundwork, and then ultimately the election process gives voters the final say.

Rev. Moore stated he feels something is missing in New Castle City government, and it is a code of conduct.

Mrs. Baldini stated that training and education is something she noted throughout the codes of conduct she has been reviewing. These codes include an overview of roles and responsibilities, policy and protocol related to conduct, Council conduct with staff, public and other public agencies. She said she feels the public should have certain expectations of certain conduct.

9:00 Rev. Moore left the meeting.

Ms. McCormick stated she agrees, making the residents aware of the existing default rules is a valuable first step. There is a State Code of Conduct that governs people's behavior, and this task force will evaluate it to see if the City's should be more stringent. She stated that the Task Force will also need to discuss enforcement as well.

Mr. Losco asked if there should be a different standard of conduct for statements made in an official capacity vs. comments made on the street. Mr. Wisniewski commented as an elected official a person is always perceived as such. Mr. Quaranta agreed, and stated that this topic would be addressed at future meetings.

Mr. Quaranta asked for input regarding mandatory education/training and having an acknowledgement document. Mr. Losco asked if it would be an ethical violation to refuse to sign the document. Mrs. Baldini asked if candidates should sign before the election.

Ms. McCormick stated that if a candidate refuses to sign an acknowledgement that they have reviewed the Code of Conduct, that would be important for public to know.

Mrs. Baldini asked about including city employees in the Code of Conduct. Mr. Quaranta stated that city employees have standing policies, and existing procedures through the FOP and AFSCME contracts. He added, however, that there are staff not governed by a union contract, such as the City Administrator and Chief of Police. Should these positions be included in the Code of Conduct?

Mr. Losco stated that in the State Law there is no exemption for workers, but he feels that Code of Conduct issues are included in union contracts. He said all employees are bound by the same rules, such as behavior or conflicts of interest.

Mr. Quaranta asked Mr. Losco to summarize a to-do list for the next meeting and send it out the committee. Mr. Losco said he would review other municipal ethics codes, and he will review the two union contracts to see if violations of ethical rules are already included for City workers.

Mr. Losco summed up four areas for future discussion. Implementing training sessions, including FOIA training for newly elected officials; having candidates sign an acknowledgement of policy, agreement that there is a need for an ethics commission that can issue advisory opinions and conduct hearings; this would involve having a set of rules and procedure for running those hearings. Finally, a recommendation that Council consider adopting formal rules for procedure to conduct its meetings.

Mr. Wisniewski asked if the committee was allowed to talk to other residents about what was discussed and get feedback from the general public. Mr. Quaranta said he would encourage members to talk to their neighbors to get feedback to bring to the next meeting.

There being no further business, a motion was made and seconded to adjourn the meeting at 9:32a.m.

Respectfully submitted,

Kim Burgmuller
Council Secretary