



NEW CASTLE COUNTY ETHICS COMMISSION
MINUTES OF SEPTEMBER 18, 2019
PUBLIC MEETING

In attendance:

Commission Members:

Paula Jenkins-Massie; Robert Ralston; Sally Jensen; Kellie Tetrick; and Charles Toliver

Absent: Eric Monzo; Christopher Simon

Ethics Commission Staff: Julie M. Sebring, Legal Counsel
Alison Lewis, Confidential Assistant

Public Attendance: Dr. Jacqueline Jenkins, New Castle County
Chief Human Resources Officer

Chair Jenkins-Massie opened the Public Session at 4:56 p.m. in the Multi-Purpose Conference Room of the Gilliam Building, 87 Read's Way, New Castle. At least a quorum of the Commissioners was physically present at the noted location for the entire meeting.

Public Minutes: The Commissioners reviewed the minutes of the public session of the August 14, 2019 Ethics Commission meeting. Commissioner Jensen made a motion to approve the August 2019 public session minutes with page number correction, and Commissioner Ralston seconded the motion. (There was no Executive session at the August 14, 2019 meeting.)

VOTE: 3 - 0 - 1 Motion carried. (Tetrick abstaining)

Finance Reports: The Commissioners reviewed the monthly finance report as well as the end of the fiscal year comparison to the previous end of the fiscal year report. The Commission's expenses this most recent, past fiscal year were lower than the previous year, which was primarily due to the filing of fewer complaints. Counsel opined that fewer complaints were filed by virtue of the increased levels of training on the Ethics Code being provided by the Commission.

Committee Reports

Administrative Committee: Counsel updated the Commissioners on the last ECRC Meeting on September 5, 2019. Counsel advised the Commission that the ECRC is planning to provide a written interim status report to the Commissioners at the next Ethics Commission meeting.

Forms Committee: Ms. Lewis gave the Commissioners an update on the 2018 SFI annual filers. All filers that are required to file for calendar year 2018 have completed their forms, and all 2018 annual forms which are required to be published on the Commission's website have been posted to the web. The Commission asked Counsel and Ms. Lewis to ask the software designers of the SFI website whether the program could be reworked so that the filer's answers from the prior year's form automatically appeared in the answers to the questions of the current form being filed so that the filer would need to make changes only if the information had changed from the prior filing year.

Training Committee: Counsel advised the Commission of the recent consideration and recommendation by the Training Committee of including an offer of training on the Ethics Code to all candidates who run for New Castle County office in the 2020 election season. This offer would be included in the letter which the Commission provides to the Delaware Department of Elections for distribution to the New Castle County candidates. Because this has not been offered before, Counsel is not sure whether candidates will take advantage of the offer. The Commission voiced approval of the Training Committee's recommendation. Counsel and Ms. Lewis informed the Commission that the gift log website is ready to go live, and it was agreed that training on the new website should be included in future Ethics Code training sessions. Additionally, the Commission discussed offering training for all annual SFI filers, before the next annual SFI filing season begins, to help filers avoid mistakes and pitfalls which recur each year.

Ethics Office updates:

The next meeting is scheduled for Wednesday, October 9, 2019 in the Manager's conference room of the New Castle County Government Center, 87 Read's Way, New Castle.

Advisory Opinion website update: The Advisory Opinion website has been updated and it includes a link to the gift log website. Counsel and Ms. Lewis have ideas on how to further improve the website and will move forward on those ideas. Counsel suggested that an email should go to County officials and employees advising them of the updated website and the new gift log procedure.

OLD BUSINESS

COGEL 2019 – Counsel and three Commissioners will be attending the conference. The COGEL conference is scheduled for December 15-18, 2019 in Chicago.

FY2021 Budget – The Finance office informed Counsel and Ms. Lewis that they will meet with them regarding the FY 2021 budget preparation October 9, 2019. The Commission meeting will be held later that day, so Counsel and Ms. Lewis can give the Commissioners a recap of the meeting at that time.

NEW BUSINESS

Counsel advised the Commissioners that the State FOIA laws do not require notices of Commission meetings by publication in a newspaper. The Commission posts notices and agenda of its meetings on both doors of its office, as required by law. The Commission also posts the notices and agenda on its website, the County portal, and it sends them to all persons with a New castle County email address.

MEMBERS OF THE PUBLIC: Dr. Jacqueline Jenkins, New Castle County Chief Human Resource Officer, was in attendance. Dr. Jenkins introduced herself to the Commission, Counsel, and Ms. Lewis, and advised that she attended the meeting to learn more about the Ethics Commission. Counsel thanked Dr. Jenkins for the Commission's opportunity to present Ethics Code training to County officials and employees through the training program of the Office of Human Resources.

At 6:13 p.m., Commissioner Jensen made a motion to move into the Executive session of the meeting, Commissioner Toliver seconded the motion. The motion passed unanimously.

At 7:41 p.m. Commissioner Toliver made a motion to return to Public session, Commissioner Jensen seconded the motion. The motion passed unanimously.

AO19-02 - Commissioner Toliver made a motion to approve the Advisory Opinion request as presented. Commissioner Jensen seconded the motion.

VOTE: 5-0, unanimous.

AO19-03 – The facts involved in this request for an advisory opinion changed after the request was initially presented, and the Commission agreed that the requester did not need an advisory opinion under the changed fact pattern; accordingly, the request was effectively withdrawn by the requester.

C19-02 - Commissioner Jensen made a motion to open a formal investigation on this complaint for the initial, limited purpose of obtaining information regarding certain issues alleged in the complaint, for further review by the Commission. Commissioner Tetrick second the motion.

VOTE: 4-1-0

C19-03 – Commissioner Toliver made a motion to dismiss this complaint. Commissioner Tetrick seconded the motion.

VOTE: 5-0, unanimous.

At 7:43 p.m. Commissioner Toliver made a motion to adjourn the meeting and Commissioner Tetrick seconded the motion. The motion carried unanimously.

The draft minutes were prepared by Alison Lewis, Confidential Assistant, and reviewed by Julie M. Sebring, Esquire.