



NEW CASTLE COUNTY ETHICS COMMISSION
MINUTES OF SEPTEMBER 8, 2021
PUBLIC MEETING

In attendance:

Commission Members:

Robert Ralston; Kellie Tetrick, Johanna Bishop; Robert Hicks; Paula Jenkins-Massie; Sally Jensen; and Charles Toliver

Ethics Commission Staff¹:

Julie M. Sebring, Legal Counsel
Alison Lewis, Confidential Assistant

Public Attendance:

The Honorable Karen Hartley-Nagle, President of
County Council
Linwood Jackson, Legislative Aide to the
President of County Council

Chair Ralston opened the Public Session of this hybrid virtual and anchor location meeting at 4:38 p.m. The meeting was advertised and held both virtually via Zoom and at the anchor location of the Ethics Commission office, 77 Read's Way, New Castle, DE 19720.

Public Meeting Minutes: The Commissioners reviewed the draft minutes of the August 11, 2021, Public Ethics Commission meeting. Commissioner Hicks made a motion to approve those draft minutes, and Commissioner Toliver seconded the motion.

VOTE: 5 - 0 - 2 . Motion carried.

Executive Session Minutes: The Commissioners reviewed the minutes of the August 11, 2021, Ethics Commission meeting, Executive Session. Commissioner Jensen made a motion to approve those draft minutes, and Commissioner Bishop seconded the motion.

VOTE: 5 - 0 - 2 . Motion carried.

¹ The Ethics Commission staff attended this session of this meeting at the noticed anchor meeting location.

Finance Reports: Commissioners reviewed a year-to-date expense report generated using Munis, as well as a report listing the Commission's expenses for the months of August 2021.

Committee Reports

Administrative Committee: The Ethics Code Review Committee (ECRC) met on Thursday, September 2, 2021. Counsel advised that the ECRC is continuing to review in depth sections of the Ethics Code to be revised and topics which should be added to the Ethics Code. It is in the process of creating a memo which includes all of the many proposed revisions which the ECRC has made to the Commission to date. Per practice, the minutes prior ECRC meetings are posted on the Ethics Commission page of the County website. Commissioner Jensen again attended the last meeting and shared her observation with the Commission that the ECRC continues to work diligently on its big task and that its work should be appreciated.

Forms Committee At this juncture, all annual filers have filed their Statements of Financial Interests (SFI's) except for one annual filer who does not have computer access temporarily. The Ethics office will continue to monitor that status.

During the past 6 years since the SFI software program was significantly revised, the Ethics Commission office has experienced very few problems with the program. Whenever a software issue was experienced and reported to the Commission office by more than one filer, the Commission has asked Delmarva Digital to resolve the problem, and they have been successfully responsive. With those revisions in response to reported issues, along with the addition of the auto-save feature, very few issues have been reported to the Ethics Commission office by filers recently. In attendance at this meeting was County Council President, Karen Hartley-Nagle, and her legislative aide, Linwood Jackson. President Hartley-Nagle reported that she and other members and/or staff of Council had told her about problems they had experienced when filing their respective SFI's. The issues which President Hartley Nagle reported included problems with the browser and having to start over if the filer is interrupted before they have completed their form.

In response to these issues raised about SFI filings, Counsel and Ms. Lewis met with Tim Smith of Delmarva Digital via Zoom. They discussed the status of the SFI software program and the cost of potential upgrades to that system or creating an entirely new system. A significant update to the program was made about 6 years ago when the Code was revised to expand the form and the number of annual filers. At that time, the Commission was advised that the program was not compatible with the Google Chrome browser and Mr. Smith said that he would look into whether that was still the case. Either way, Mr. Smith said that the filer should use a web browser that is up to date. They also discussed the security of the stored information included in a filed SFI and Mr. Smith explained that all information on filed SFI's is protected by high-level encryption measures throughout the program. With respect

to losing information while completing the form, Ms. Lewis advised the Commission at this meeting that there is a save feature located throughout the form that can be clicked on to save the information which has been entered in each section as the filer goes through the form.

Mr. Smith said that he would discuss the matter with his partners and report back to Counsel and Ms. Lewis about the browser status, the potential cost of a new system, and the other issues covered in their meeting.

Training Committee: The next general Ethics Code training session for County officials and employees is scheduled for Tuesday, September 28, 1:00 – 3:00 p.m., via Zoom.

Ethics Commission Office updates:

The next Commission meeting is scheduled for Wednesday, October 13, 2021, as a hybrid meeting per State law. New Castle County reinstated its face mask policy while in County buildings, so anyone entering a County building will be required to wear a mask.

Old Business:

Commissioner Roster: Commissioner Jenkins-Massie's term expires in October 2021. Counsel wanted to remind the Commissioner's if they know someone that might be interested to let her know.

New Business:

COGEL has recently announced that it will be holding its annual conference virtually this year, instead of an in-person conference in Denver, Colorado. Because the costs of travel to an in-person conference will not be required to attend, the virtual format may allow more Commissioners to attend this year than initially anticipated. The Commission staff will provide more information on registration, costs, etc., as it receives information from COGEL.

Public Comment: Public comment was presented during the Commission's discussion of the Statement of Financial Interests discussion, noted above.

At 6:03 p.m., Commissioner Hicks made a motion to move to Executive session. Commissioner Bishop seconded the motion.

At 7:02 p.m., Commissioner Toliver made a motion to adjourn the meeting and Commissioner Bishop seconded the motion. The motion carried unanimously, 7-0.

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