

**Vermont State Ethics Commission**

**Minutes of July 1, 2020 Meeting (approved)**

**1. Call to Order:** The meeting, held via Zoom meeting, was called to order by Commission Chair Julie Hulburd at 10:19 a.m. Also present for the meeting were Commission members Christopher Davis and Paul Erlbaum and Executive Director Larry Novins.

**2. Approval of Minutes:** On the motion of Paul Erlbaum, second by Christopher Davis, the minutes of the June 3, 2020 meeting were approved.

**3. Public Comment**: None

**4. Executive Director’s Report**: Larry Novins shared that passage of H.691 extended the Commission’s funding mechanism for one more year, through June 30, 2021.

Novins briefed the Commission on the need for an Ethics Commission cell phone. It will simplify call forwarding from the office telephone and eliminate the need for him to use his personal phone and have his personal phone number publicly known. The Commission agreed that he should go ahead and order the phone and line (estimated cost $42/month.) Novins informed the Commission that because of the pandemic he moved his office stand up desk to his residence. He has ordered at his own expense a replacement for the desk. It will be delivered soon.

Novins updated the Commission on his work on Phase II of the Ethics Code which will be opened for public comment in the very near future. He reviewed some language changes to the section on “Legislative Intent” as well as changes to two substantive sections. “Preferential Treatment” was changed to clarify that in addition to not granting preferential treatment, public servants should not act to anyone’s prejudice as they perform their duties. The Commission discussed also whether to highlight in the “Compliance with Law” section specific varieties of statutes (e.g. campaign finance, anti-discrimination) that public servants must obey. Among the factors considered: whether adding specific statutes would create the impression that the Ethics Commission is seeking to specifically enforce those statutes whose enforcement is assigned to other state actors, and whether focus on specific groups of statutes would distract from the intent of the section that public servants should, in general, comply with the law. On Novins’ recommendation the Commission deferred on highlighting any group or groups of statutes. The Commission will see whether public comments to the draft code of ethics raise this issue, and if so, review the matter later.

In anticipation of announcing the proposed draft code of ethics, Novins shared his proposed website changes, the addition of a new Ethics Comments email address, draft press release and list of intended recipients of the press release, and request for public comment.

**5. Code of Ethics (Phase II) Legislative Update:** Substance of the draft was discussed as part of the Executive Director’s report above. The Commission agreed on a time-table for seeking and accepting with public comment.

1) Week of **July 6, 2020**: Emails and press release regarding the draft code of ethics and seeking public comment will go out. Novins will monitor public comment.

2) **August 5, 2020:** Novins will share comments received with the Commission at its monthly meeting.

3) **August 12, 2020:** Public hearing via Zoom 10:00a.m. At this point it is anticipated to run two hours. Novins and Chair Hulburd will work out the details of how the hearing will be conducted and how much time each commenter will have. In all correspondence and press releases, the public will be strongly urged to provide written comment via the Commission’s Ethics Comment email address.

4) **August 26, 2020:** End of public comment. The Commission will review all comments and finalize its draft before submitting the draft to the legislature.

**6. Commission Members Terms, review, appointments:** postponed until next meeting.

**7. Other business:** None.

**8. Executive Session to Discuss Complaints and Guidance Requests:** On the motion of Paul Erlbaum, second by Christopher Davis, the Commission went into executive session to discuss complaints and guidance requests at 11:18 a.m. These matters are confidential per 3 V.S.A. §§ 1221(d), 1223(c), and 1225(a)(3). On the motion of Paul Erlbaum and Christopher Davis the Commission voted to conclude the Executive Session and return to open session at 11:19 a.m.

**Adjournment:** Because Christopher Davis had to leave the meeting, it adjourned at 11:20 a.m.

**Next Meeting:**  August 5, 2020 at 10:00 a.m.