

**Vermont State Ethics Commission**

**Minutes of November 4, 2020 Meeting (Unapproved)**

**1. Call to Order:** The meeting, held via Zoom, was called to order by Commission Chair Julie Hulburd at 10:05 a.m. Also present for the meeting were Commission members Christopher Davis, Sarah Biolsi Vangel, Paul Erlbaum, Michele Eid, and Executive Director Larry Novins. T.J. Jones joined the meeting at 10:15 a.m.

**2. Approval of Minutes:** On the motion of Michele Eid second by Paul Erlbaum, the minutes of the October 7, 2020 meeting were approved.

**3. Public Comment**: None

**4. Executive Director’s Report**: Larry Novins explained revisions to the proposed ethics code. He updated the Commission on last year’s proposal for amendments to the ethics commission statutes (Phase I). It will be re-introduced this coming session. To be discussed as part of Phase I for 2021 will be the Ethics Commission sunset provisions. It is hoped that the Commission can move from a year-to-year temporary scheme to one that approaches a permanent funding mechanism.

Novins participated in the most recent Center for Achievement in Public Service (CAPS) governmental ethics training.

Novins explained some of the administrative challenges he faces, especially making sure Ethics Commission bills for its accounts in state government are paid. The current process is very inefficient and time consuming. Provisions for administrative assistance were in last year’s statute proposal and will be the proposal for the coming year.

Novins reviewed the enforcement memorandum requested by the Senate Government Operations Committee and the rationale behind it. It is a general outline of provisions and protections that should form the basis of eventual ethics enforcement. Novins repeated his concern that discussion of enforcement at this time can imperil the number one goal, passage of a statutory ethics code. Enforcement discussions, he emphasized, should follow enactment of the ethics code and a period of robust ethics education and training. Only then can it be clear what enforcement will be necessary. On the motion of Michele Eid, second by Paul Erlbaum, the Commission voted 5-0 to approve the memo. Novins may submit it.

**5. Code of Ethics (statutes Phase II), review of public input and comments received, and proposed revisions.** Larry Novins described his work reviewing and using comments received during the public comment period as he revised the ethics code proposal. He reviewed with the Commission the major changes to the proposed code, specifically the sections on conflicts of interest, gifts, and post-government employment. He thanked Commission Chair, Julie Hulburd, whose efforts reformatting the annotation of the original code was substantial. Novins also recognized the invaluable assistance provide by T.J. Jones, who is contracted to assist the Ethics Commission. Mr. Jones also participated in the discussion and explained the rationale and justification for the changes made. On the motion of Paul Erlbaum, second by Michele Eid, the Commission voted 5-0 to approve Novins’ sending the now revised proposed ethics code, the memorandum regarding its possible application to non-judicial power wielding members of the judicial branch, the annotation to the original code, and longer comments received to the House and Senate Government Operations Committees.

**6. Annual Report Discussion**: The Commission discussed how the next annual report will be prepared. In addition to the matters included in other reports, this year’s report should include a discussion of the process leading to submission of a proposed ethics code to the legislature, the need for ethics oversight and training for local government, and the need for administrative assistance.

**7. Other business:** Commissioner Paul Erlbaum reminded all to avoid group emails.

**8. Executive Session to Discuss Complaints and Guidance Requests:** On the motion of Paul Erlbaum, second by Chris Davis, the Commission went into executive session to discuss complaints and guidance requests. These matters are confidential per 3 V.S.A. §§ 1221(d), 1223(c), and 1225(a)(3). Larry Novins recused himself from discussion of one complaint and left the meeting until the discussion of that matter concluded. On the motion of Michele Eid and Paul Erlbaum the Commission voted to conclude the Executive Session and return to open session.

**10. Adjournment:** Paul Erlbaum moved to adjourn, second by Sarah Biolsi Vangel. The meeting adjourned at 11:50 a.m.

**Next Meeting:**  The next regular monthly meeting will be December 2, 2020 at 10:00 a.m. Directions for attending the meeting will be posted on the Ethics Commission website on Dec. 2, 2020.