



**City of Salisbury  
ETHICS COMMISSION  
MEETING MINUTES  
September 13, 2022**

**Commission Members Present**

Dr. Neill Carey, *Chairperson* (via phone)  
Dr. Paula Turner  
Anthony Sarbanes

**In Attendance**

Ashley Bosche, *City Attorney*  
Kim Nichols, *City Clerk*  
Jessie Turner, *Mayor's Office*

**The Ethics Commission met at 3:30 pm in Conference Room #306 of the GOB**

**The Ethics Commission meeting was called to order at 3:35 pm by Dr. Carey.**

**Review of Salisbury Amended Ethics Ordinance**

Ashley introduced herself and communicated the purpose of discussing proposed amendments to the Ethics Code. Changes in state ethics laws are a result of the state's adoption of a new model/set of rules—one for large and one for smaller municipalities. Salisbury Ethics Commission's goal is to adopt a model ordinance that is recommended for municipalities of our size. We can make changes but would have to be more strict and not lessen standards. We can add more stringency, but we cannot take information out. A yearly review and certification are due by October 1 of each year. The City will not be able to meet that deadline this year, and the state understands that. Ashley's purpose for this meeting was to discuss and approve any proposed changes or recommendations. The Ethics Commission will need to vote to approve, and then the Amended Ethics Ordinance will be presented to City Council.

Dr. Carey recommended going through the amended ordinance page by page. Dr. Sarbanes expressed an immediate concern about the gifts section and asked if we can say to employees that no gifts could be accepted at all, and that this would apply to elected officials and employees. Ashley said it might not apply to all employees. Dr. Sarbanes described situations of vendors providing gifts to City representatives and how it could create a possible controversial situation when it comes to the bidding process. In his personal experience, no Board of Education employee could accept a

gift of any kind, thus removing the chance for an employee to be tempted by indiscretion. Dr. Turner asked about the frequency that gifts are being given to further City business. Ashley read the section about gifts out loud. Dr. Turner asked about contact with vendors and expressed her agreement with the way the ordinance is currently written. Dr. Carey also agreed it is ok the way it is, while understanding what Mr. Sarbanes is saying. Ashley also agreed with the way it is written and stated that to change it would cause unnecessary hardship.

Dr. Carey again recommended going through the amended ordinance page by page. His first question was from page 16. Paragraph e—is there a period of time for the \$5000 limit? Ashley explained that the section is taken from state law and it is up to the committee if they want to add additional time. Ashley explained it is probably implied because disclosures have to be filed yearly.

Section g—why are they listed? Ashley recommended leaving it, as it is copied from the state model.

Second question—page 17 paragraph L paragraph vi. This section specifically refers to funds related to the City. Dr. Sarbanes asked if the City has many lobbyists. Ashley explained the definition of quasi-judicial. Dr. Sarbanes asked about leaving something that would cause someone to be tempted. He doesn't want someone to find a loophole and then when they are caught, citizens be able to say it could have been avoided. He believes the ordinance should be so secure it that it cannot be circumvented. Dr. Turner suggested that people will always be able to find a loophole if they desire and doesn't want to reduce the opportunities individuals have to serve our community. She stated that we will always have unethical people mixed in with those who abide by the rules. Ashley explained that she feels the ordinance has been appropriately vetted. Laws try to address everything but there is always something that can be missed and changes can be made later if need be. IF there is a recurring issue, the ordinance can be revisited and changes made. Ashley suggested when it has been voted on, the Mayor could send it to the people to whom it applies for review. Dr. Carey asked about the public information program mentioned and feels it should be more understandable for the average person...something more along the lines of a summary.

Page 20 par L sec -the concern is that this section reduces qualified appointees because most work in the area they are going to be regulating. Ashley explained exemptions can be made on a case-by-case basis.

2.04.050 Section A item 1. Dr. Carey felt this is also difficult to understand, and Ashley is going to try to break it down into understandable language. Item 2 has same lead-in and will be reviewed.

Page 23--sections 4 & 5 Ashley says we could strike section 4 and keep section 5 with the state's approval. A better option might be to combine sections 4 and 5 so that we are not making it less strict. Dr. Sarbanes expressed concerns about temptation and Dr. Turner indicated that temptation is unavoidable. The public would have to make us aware and let the Commission decide. Dr. Sarbanes Page 25 item 4—who decides 8

days. Ashley said it was included in the state model. Dr. Carey asked again about removing section 4. Ashley said it will be combined or left.

Dr. Carey questioned page 26 paragraph 6. Ashley explained it is worded after the state's model because of a situation that happened and will likely not apply to us. Page 30 —annual review of disclosure statements. All we can do is evaluate what they say and can't determine a conflict of interest. Ashley reiterated this section is copied from the state model.

Ashley—overview of changes (changing page 16 paragraph to 1 year and reworking 2.04.050)

Mr. Sarbanes motioned to approve the two changes

Dr. Turner seconded the motion

All in favor. None opposed.

Meeting adjourned at 4:26 pm.

#### **Next Commission Meeting**

The next Ethics Commission meeting has not been scheduled at this time but will be held on an as-needed basis.

**Minutes Recorded By:** Jessie Turner, *Mayor's Office*