

Town of Durham

ETHICS COMMISSION



OCT 27 2011

Office of the Town Clerk
Durham, Connecticut

Advisory Opinion 2011-1

Application of the Town of Durham Code of Ethics to members of the Town of Durham Recreation Committee

Applicable Code Section(s): Section 3: III, Standards of Ethical Conduct, Conflict of Interest

INTRODUCTION

The Ethics Commission (Commission) for the Town of Durham issues this advisory opinion at the request of Sherry Forline Hill, Recreation Director for the Town of Durham. In her request, Sherry Hill asked if a conflict of interest as stated in Section 3: III of the Code exists if:

1. Members of the recreation committee receive payment for teaching recreation programs within the town
2. Members of the recreation committee also own or have affiliations to businesses in the community.
3. A committee member's business is housed in a building that also leases space to the town.

FACTS

1. Two members of the Durham Recreation committee are teaching recreation programs for which they are receiving payment. These programs are approved by the Recreation Committee.
2. Two members of the Durham Recreation Committee own or are related to an owner of a fitness center in town.
3. One of these businesses is housed in a facility that also leases space to the town.

QUESTION

1. Does paying a member of a town board/commission for services provided by that board/commission to town residents constitute a conflict of interest as outlined under Section 3:III of the Durham Code of Ethics (Code)?
2. Does a town board or commission member with a private or personal interest in a business with common activities to their board/commission of which they are a member pose a conflict of interest as outlined under Section 3:III of the Code?
3. Is it a conflict of interest if a board/commission member's business operates in the same building that the town leases for other and similar use, as outlined under Section 3:III of the Code?

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ANALYSIS

1. The first question outlined above asks if payment to a board or commission member providing a service to town residents at the request of the board is a conflict of interest as stated in Section 3: III of the Code.
2. The second question outlined above asks if a board/commission member who owns or is related to an owner of a business with common activities to the commission they serve on pose a conflict of interest as stated in Section 3:III of the Code.
3. Does a commission member's business leasing space in a building that also leases to the town pose a conflict of interest as outlined in Section 3:III of the code?

SECTION 3: III OF THE CODE OF ETHICS

No officer, official, or employee of the Town of Durham shall engage in any business, employment or transaction, or shall have a private financial interest or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or which would tend to impair his or her judgment, independence or action in the performance of official duties.

CONCLUSION

1. Based on facts presented in paragraph 1 of the letter from Sherry Hill dated 04/28/2011, the Commission has determined that payment to a board/committee member for services to town residents is a violation of Section 3: III of the Code. This payment for services constitutes a private financial interest and therefore incompatible with the proper discharge of his/her duties in the public interest.
2. Based on facts presented in paragraph 3 of the letter from Sherry Hill dated 04/28/2011, the commission has determined that ownership of a business or relation to an owner with common activities to the commission they serve on does not pose a conflict of interest as stated in Section 3:III of the Code.
3. Based on facts presented in paragraph 3 of the letter from Sherry Hill dated 04/28/2011, the commission has determined that a commission member's leasing of space in a building that also leases space to the town does not pose a conflict of interest as stated in Section 3:III of the Code.

Unanimously approved by the Durham Ethics Commission

Date: 09/27/2011