

It's Time to Revise North Haven's Code of Ethics

A town's Code of Ethics is an important reflection of its moral values. All four Connecticut Town Meeting towns our size have revised their Codes of Ethics in the last 12 years. North Haven last revised its Code 29 years ago.

In 2004, Common Cause Connecticut asked me to write a report on Connecticut's municipal ethics codes. I gave each town's code a grade. North Haven received a mediocre 3 out of 10. Since I reported this last year, there has been no response from the town government or either party.

Those who have followed my disputes with First Selectman Kevin Kopetz and some of his colleagues may be surprised that I have never filed a complaint with our Board of Ethics. My reason, and the reason complaints are rarely filed by anyone, is that North Haven's Board of Ethics has no teeth. Someone who files a grievance may go through a time-consuming process of investigation and hearings, and then even if the Board of Ethics finds that there was a violation of the Code of Ethics, all it can do is make a recommendation to the Board of Selectmen. The Board of Ethics is not required to make its recommendations public nor to hold a public hearing. And the Board of Selectmen is not required to even bring the matter up.

Of course, it would be a serious conflict of interest for the Board of Selectmen not to bring up a violation by a member of the Board or by someone appointed by the Board. But this did not stop Mr. Kopetz from refusing to let the Board of Selectmen consider a motion to censure him, which I made in June 2004. He has made it clear that criticism of his behavior will not be tolerated. And he can do this because he has nothing to fear from a toothless Board of Ethics.

In addition, members of the Board of Ethics are appointed by the Board of Selectmen. This does not mean that they are controlled by the First Selectmen, but it does mean that their decisions will be considered political in this viciously partisan town. What North Haven needs is a truly nonpartisan Board of Ethics, not one selected by the very politicians it is supposed to keep in line.

North Haven's Code of Ethics is also missing many important provisions. For example, it does not require ethics training; it does not require even the most basic financial disclosure; it does not require the Board of Ethics to file an annual report; it does not give the Board of Ethics jurisdiction over people doing business with North Haven, that is, over those who tempt our town officials and employees; and it does not provide any protection to town employees who file a complaint or give testimony against a town official, requiring the people

who know most about ethical misconduct in our town to take a great risk reporting it. In addition, patronage and nepotism are not restricted, nor are town officials and employees restricted from receiving no-bid contracts from the town.

North Haven needs to decide what sort of ethics it expects from its government officials. The best way is to have an open discussion about the town's ethics code and enforcement process, which are in serious need of improvement.

Robert Wechsler, a North Haven resident, is working on a Model Municipal Code of Ethics for Common Cause Connecticut. He is also Director of Research for City Ethics.

North Haven Is Lacking in Ethical Leadership

I explained in my last opinion piece how toothless our Board of Ethics is and, therefore, why it is not worth filing an ethics complaint with it. In addition, much misbehavior is not covered by our mediocre Code of Ethics. In this opinion piece, I will focus on Mr. Kopetz's most recent ethical breach which our Code allows. Sadly, it is only one of many.

This breach involves a conflict of interest. Conflicts of interest, where personal interests conflict with the town's interests, are the principal target of ethics codes. But North Haven's provisions only cover conflicts where there is a financial benefit to the official or to the official's family, business, or political party.

Recently, two North Haven residents brought Freedom of Information complaints against the Board of Selectmen, arguing that its two Republican members held an illegal meeting with the intent of preventing discussion of a controversial land swap and development at the October 24, 2005 Town Meeting, shortly before the town election. The other official mentioned in the complaint was Town Attorney Robert Ciulla, who retired soon after and was replaced by his own law partner Jeffrey Donofrio.

Mr. Kopetz admitted that the meeting was held illegally. Therefore, the only issue at the February 15 hearing was his intent to prevent Town Meeting discussion, and thus his reputation and that of Mr. Ciulla, who advised him and who gave the opinion that prevented Town Meeting discussion.

By asking Mr. Donofrio to represent him at the hearing, Mr. Kopetz placed Mr. Donofrio in the position of having to defend the First Selectman's reputation. It was wrong for Mr. Kopetz to use a town official for his own personal defense when, as an experienced attorney, Mr. Kopetz could very well have defended himself and have saved the town the expense.

In addition, the First Selectman put Mr. Donofrio in the position of having to defend the reputation of his former law partner, thus putting Mr. Donofrio in his own conflict of interest situation. Had the newly appointed Mr. Donofrio refused Mr. Kopetz's request, his position might have been jeopardized. It is more unethical to put someone else in a conflict of interest situation than it is to ignore one's own conflict.

Third, Mr. Donofrio's conflict seems to have affected his judgment so much that, during the hearing, he was hostile to the two town residents and even to Third Selectwoman McCarty, a member of his client, the Board of Selectmen. Mr. Kopetz made no attempt to correct his lawyer's behavior. Nor did Mr. Kopetz say anything

when Mr. Donofrio objected to the introduction of evidence, including a video of the October 24 Town Meeting, even though it is in the town's best interests to have the matter considered in light of all relevant evidence.

Mr. Kopetz has gotten away with ignoring numerous conflicts of interest, and has watched silently over, or defended, the unethical behavior of some of his colleagues and appointees. Without ethical leadership from the top, how can we expect anyone in our town government to act ethically? And how can we expect our town government to improve our Code of Ethics and its enforcement mechanism?

Robert Wechsler, a North Haven resident, is Director of Research for City Ethics, a national nonprofit organization. He is also working on a Model Municipal Code of Ethics for Common Cause Connecticut.

Our Town Government's Obligations to Us

In my last opinion piece, I looked at North Haven's Code of Ethics, which reflects the values and ethical obligations North Haven citizens impose on its government. In my next two opinion pieces, I would like to share with you provisions of the American Society for Public Administration's Code of Ethics, which reflects the values and ethical obligations government administrators impose on themselves. Provision by provision, I will look at how North Haven's town government has failed to fulfill many of its obligations to town residents.

Recognize and support the public's right to know the public's business.

North Haven's uninformative website is a good example of our town government's failure to fulfill this obligation. Other examples include the Kopetz administration's failure to make public the option of a phase-in of the tax increases tied to revaluation, the First Selectman's refusal to offer to answer questions at the August 18, 2005 Town Meeting, and Public Works Director Richard Branigan's refusal to answer a question at the September 21, 2005 Town Meeting.

Involve citizens in policy decision-making.

Our First Selectman refuses to allow citizens to speak at meetings of the town's policy-making body, the Board of Selectmen, until after decisions have been made. And the Kopetz administration schedules policy-approving Special Town Meetings in August, when most North Haveners are away.

Exercise compassion, benevolence, fairness and optimism.

Many members of our town government are rude to those who differ with them. For example, at a recent Freedom of Information hearing in Hartford, our Town Attorney was consistently rude to the Third Selectwoman and two town citizens, and our First Selectman, whom he was representing, made no attempt to have him treat these people with respect. However, the First Selectman is quick to criticize citizens he feels are out of line. This shows both a lack of benevolence and a lack of fairness.

Respond to the public in ways that are complete, clear, and easy to understand.

Many important members of our town administration are masters of double-

speak. They use their legal and other professional knowledge and lingo to make it harder for citizens to understand important issues. They also employ half-truths, misrepresentations, and personal accusations to cloud both facts and policy issues.

Work to improve and change laws and policies that are counterproductive or obsolete.

The Kopetz administration has made no effort to update the town's most important law, its Charter, despite the fact that it has long been obsolete.

Encourage and facilitate legitimate dissent activities in government and protect the whistleblowing rights of public employees.

Town employees are required to vote publicly at Town Meetings, rather than by secret ballot, which is the American way of protecting people's right to disagree with their superiors. And town employees in North Haven have been given no whistleblowing right, that is, the right not to be mistreated for honestly reporting offences committed by town officials.

Take responsibility for their own errors.

When at the August 18, 2005 Town Meeting, I sought to ask town officials about their failure to alert the Town Meeting that it had a right to vote on the Plan of Development, town officials did everything they could to prevent the matter being discussed, including misrepresentations of the law, personal attacks, and ending the debate before people had a chance to speak. I have never heard any town official publicly take responsibility for his or her errors, or apologize to anyone for anything.

Zealously guard against conflict of interest or its appearance.

Our town government has a serious problem with conflicts between personal interests and the best interests of the town. Here is the most recent example. The Town Attorney is supposed to represent only the interests of North Haven. However, at the recent Freedom of Information hearing, the Town Attorney was asked by Mr. Kopetz (an attorney himself) to defend Mr. Kopetz's personal reputation as well as the reputation of the Town Attorney's own legal partner, Robert Ciulla. The Town Attorney should never be put in the position of choosing between defending the town's interests and his own law partner's interests. In addition, accusations have been made that some town employees are being allowed or asked to misuse public resources.

Respect superiors, subordinates, colleagues and the public.

I have seen numerous instances of department heads and other town officials treating town citizens with disrespect at public meetings and in private. Although he rarely acts disrespectfully himself, at no time have I seen the First Selectman make any attempt to reign in the officials he appointed, he manages, and for whom he has full responsibility.

Conduct official acts without partisanship.

Partisanship and spiteful conduct is rampant in North Haven. In Connecticut, partisanship doesn't seem odd, but most municipalities across the country are nonpartisan. Decisions made for partisan, personal, or spiteful purposes are not in the best interests of town residents, nor do they reflect the professionalism a town our size can expect from its administration.

Subordinate institutional loyalties to the public good.

Loyalty is a good thing when it concerns friends and family, but in government, when loyalty is limited to one's colleagues and business associates, it undermines democracy, increases spending, and leads to all sorts of unethical behavior.

Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct. Encourage organizations to adopt, distribute, and periodically review a code of ethics as a living document.

North Haven's ethics procedures are insufficient both to provide guidance to town officials and employees, and to make our town's government accountable for its conduct. And our Code of Ethics, untouched for 29 years, is far from being a living document. Without adequate procedures and a clear statement of our community's ethics, the town's main ethical quandary is, Can I get away with it? And given the fear and the lack of interest of town residents, the answer is almost always, Yes.

Our community should meet publicly to discuss current ethical failures and how to address them. Secrecy, dishonesty, misplaced loyalty, and lack of respect for the public are central to all of our town government's problems. We as a community cannot get a grip on our budget, our form of government, revaluation, senior housing, or any of the important issues facing us without first dealing openly and honestly about our government's ethical failures.

Robert Wechsler, a North Haven resident, is Director of Research for City Ethics. The Model Municipal Code of Ethics he has prepared for Common Cause Connecticut contains the complete ASPA Code of Ethics.