



CITY OF CONCORD

New Hampshire's Main Street™

Legal Department

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Danielle Pacik, City Solicitor
DATE: September 30, 2024
SUBJECT: Board of Ethics – September 19, 2024 Meetings

Recommendation

It is recommended that City Council:

1. Accept this report and the recommendation of the Board of Ethics relative to a complaint filed against City Councilor Stacey Brown.
2. Refer to the Rules Committee a request to review ordinances applicable to ethics complaints for consideration of whether any amendments should be proposed.

Discussion

1. Ethics Complaint Recommendation – September 19, 2024

The City of Concord Code of Ordinances, Section 30-3-29(a)(4) requires the Board of Ethics to make findings of fact and recommend action to the City Council after a hearing.

A hearing was held on September 19, 2024 relative to the complaint against City Councilor Stacey Brown. The draft minutes from that meeting are attached.

The Board unanimously made the following findings:

- The Cars & Coffee consent agenda item did not pose a conflict of interest for Councilor Brown because there was no evidence that the item would affect her husband's financial interest;
- In our view, the Cars & Coffee event (1) had at the most, a tangential involvement of the Police Department; (2) had no material or substantial involvement of the Police Department; and (3) did not involve Police Department funding;

- The Cars & Coffee event was a non-controversial matter, which was ultimately approved unanimously by the City Council; and
- Councilor Brown’s interest and intention was to address potential concerns of citizens and businesses in the area of the Main Street closure and not to involve the Police Department.

The Board of Ethics unanimously voted to recommend to the City Council that the Council vote for innocence of any wrongdoing by Councilor Brown.

2. Other Discussion By Board of Ethics and Referral to Rules Committee

In making their recommendation, the Board of Ethics discussed the definition of a “conflict of interest,” which among other things, provides that “a conflict of interest shall exist when the matter before the Public Body *involves* the department for which the officer or elected official or officer or elected official’s family member is employed.” The Board noted that going forward, it would interpret the term “involve” to mean a material, substantial or direct involvement.

The Board of Ethics also discussed various provisions in the ordinances pertaining to ethics. For example, members of the Board of Ethics raised concerns regarding potential vagueness in the terms “involve” and “would,” which are both contained in definition of a “conflict of interest.” There was also a discussion regarding the potential findings to be made by the Board of Ethics, some of which suggest guilt versus innocence, such as the finding of “innocence” of any wrongdoing. There was discussion that the City Council should review the ordinances to determine whether any changes should be made. For that reason, it is recommended that the Rules Committee review the ordinances to determine whether any amendments should be proposed.