

From: [Kristine Tardiff](#)
To: [Bonenfant, Janice](#)
Cc: [Fenstermacher, Beth](#)
Subject: Conservation Commission comment on City Council 3/14 Agenda Item 20.D. (Proposed Changes to Code of Ethics)
Date: Thursday, March 10, 2022 10:33:49 AM

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Good morning Janice,

The Conservation Commission met for its regularly scheduled monthly meeting last night (March 9), and asked me to send this email with comments from the Commission regarding the Report to Mayor and the City Council from the Rules Committee, dated February 3, 2022, regarding Amending the Code of Ethics. Could you please include these comments in the materials for the City Council's meeting on March 14? Thank you.

* * *

At its regularly scheduled meeting on March 9, the Conservation Commission reviewed the proposed changes to the Code of Ethics set forth in the Report from the Rules Committee, dated February 3, 2022. The Commission is supportive of Code of Ethics that provides clear guidance on conflicts of interest, full disclosures when such conflicts arise, and appropriate recusals. We are concerned, however, that the proposed changes to the Ethics Code are overly broad and may have unintended consequences for the smaller boards, commissions and various committees that review and provide recommendations on certain matters within their purview, but are not the ultimate decision-makers within the structure of the City government.

The Conservation Commission functions best when we have appointed members with diverse professional backgrounds, knowledge and experiences. We have been fortunate over the years to have members that are biologists, geologists, wetlands scientists, civil engineers and attorneys with land use experience. That diversity and breadth of knowledge ensures critical review of matters that come before us, robust discussions, and recommendations to decision-making bodies that are well-informed. The Commission is concerned that the proposed changes to the Ethics Code may result in the loss of current members and affect the ability of the City to find new members with the same types of experience.

Among the concerns identified by the Commission are the unintended consequences of the proposed changes to Section 1-6-5, Representing Private Interests Before City Agencies. Under the proposed changes, a member of the Commission representing a landowner seeking a Conditional Use Permit (CUP) as part of their paid employment or business is permitted to appear on that landowner's behalf before the Planning Board - the body that can approve a CUP - provided that the member discloses his/her interest prior to the proceeding. However, the proposed changes to Section 1-6-5 would now preclude that person from appearing on behalf of the same landowner before the Commission, which may review the application for the CUP and provide comments on the requested CUP to the Planning Board, but is not the decision-making body on whether the CUP is granted. The anticipated effect of this prohibition is that our members who are self-employed as consultants or work for small businesses, cannot work on any matters that might come through the Conservation

Commission on the way to the decision-making body of the City (be it the Planning Board or City Council). This appears to be an unintended consequence that would affect not just the Conservation Commission, but other boards, commissions, and committees that are integral parts of our City. The Commission believes that these types of conflicts can be managed, as they have been in the past, with full disclosure of the conflicts of interest on the record and recusals when such conflicts exist.

Respectfully submitted,

Kristine S. Tardiff
Chair, Conservation Commission