



TOWN COUNCIL

Work Session

Town Hall
July 25 2012
5:00 PM

At 5:05 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, Sullivan, Veber and Wendell and Councilwoman Natali. Also present were Town Manager Heather Arcos, Town Clerk Libby Hume and Messrs. Michael Sterling and Christopher Ambrosio from Vandeventer Black, LLP. There were no members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to hear a presentation by Mr. Michael Sterling regarding Ethics in Government and thanked Messrs. Sterling and Ambrosio for taking their time to give this presentation to the Town Council at no cost to the Town.

Mr. Sterling stated that the Town's Code of Ethics was adopted in 2006 and had been distributed to all Council and Board members on a regular basis. Mr. Sterling continued to state that tonight would be an overview of a number of complicated rules and went on with a presentation of the Town of Cape Charles Code of Ethics, Conflict of Interest Act, Freedom of Information Act and Virginia Public Procurement Act.

The Conflict of Interest Act (COIA) regulated the financial relationship of employees and officers (and their immediate family members living in the same household) in three general areas: i) bribes and other illegal behavior; ii) financial interests that an employee or official may have in business dealings with the public body – a personal interest in a contract; and iii) level of involvement an employee or official may have in an issue being considered by the public body that involves his or her business, property or personal financial interest – a personal interest in a transaction. The existence of a conflict did not result in automatic disqualification. It depended on the nature of the conflict and may only require certain disclosures which must be done on record. Mr. Sterling stressed that in order to avoid the appearance of impropriety, it could be best to disqualify oneself from discussions. Officials could also request an advisory opinion from the Commonwealth Attorney giving specific details of the situation. Failure to comply with the Conflict of Interest Act could result in jail time.

The Virginia Public Procurement Act (VPPA) was more restrictive than the provisions in the COIA and did not allow for disclosure. The VPPA included immediate family members, regardless of where they lived, and any other person living in the same household.

Mr. Sterling also discussed the issue of confidentiality which was closely tied to ethics and the Freedom of Information Act (FOIA). While most of the Town's business was a matter of public record some things were confidential and officials were expected to preserve the integrity of the confidential information. Disclosure of confidential information could expose the Town to law suits. The individual disclosing the information would also be exposed to a suit and possible loss of office, etc. The Virginia FOIA included many possible reasons for holding closed meetings and many localities hold closed meetings prior to every regular meeting and sometimes afterwards as well. The Virginia FOIA also included over 80 exemptions to preserve confidentiality. An individual member of the Town Council had the same rights as an average citizen in regards to FOIA.

There was discussion with questions and answers throughout the meeting.

Mr. Sterling stated that municipalities with populations over 3,500 were required to complete annual disclosure statements and suggested that the Town Council review these forms and added that it could not hurt to complete them and have them on file at the Town office even though they were not required. Mr. Sterling concluded by stating that if a possible conflict situation occurred, it was always good to ask the opinion of others and to think things through. The best solution was to request the advisory opinion of the Commonwealth Attorney.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Work Session. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk