

## **Report of the Select Committee of Inquiry of the Council of the City of Norwich appointed April 17, 2017**

To: Mayor Debery Hinchey and Members of the Council of the City of Norwich:

The undersigned, together with Alderman H. Tucker Braddock, were appointed, by the Council of the City of Norwich on April 17, 2017 as a committee of the Council to conduct an investigation and review of the performance and conduct of Ms. Dianne Boisclair and Mr. Robert Groner, the council-appointed officials to the Board of Public Utilities and Sewer Authority, the investigation to include, but not be limited to, their participation in a 2016 trip to the Kentucky Derby sponsored by the Connecticut Municipal Electric Energy Cooperative (CMEEC), their participation in other CMEEC sponsored events, and their acceptance of the positions of chair and vice chair respectively at the 2017 annual meeting of the Board of Public Utilities Commissioners, which appointments made them the Norwich regular member and the alternate member respectively of the CMEEC. Alderman H. Tucker Braddock resigned from the Committee by letter accepted by the Council at its meeting on May 1, 2017. This is to be the Committee's only and final report.

By way of background, the City of Norwich adopted a municipal code of ethics by ordinance 909, adopted November 13, 1978. This was substantially amended by ordinance number 1625, adopted August 3, 2009, and further amended by ordinance 1651, adopted February 7, 2011, and ordinance 1667, adopted May 21, 2012. These ordinances are currently codified as Article IV, sections 2-51 through 2-56, of Chapter Two of the Norwich Code of Ordinances.

At all times material to our investigation, the Code of Ethics for the City of Norwich at section 2-55 provides for an ethics commission consisting of five members with alternate members to receive and hear complaints of violations of the Norwich Code of Ethics. This section further provides that when the ethics commission has found a violation, it should report the finding and a recommendation of action to the council.

From information provided to the Council of the City of Norwich in Norwich Ethics Commission reports, it appears that details of 2016 trip to the Kentucky Derby sponsored by the Connecticut Municipal Electric Energy Cooperative appeared in a local newspaper on October 16, 2016. On October 19, 2016 the Ethics Commission received complaints directed against Ms. Dianne Boisclair and Mr. Robert Groner, both participants on the trip, which complaints were assigned complaint #'s 2016-2 and 2016-3.

Following its procedures the Ethics Commission appointed a subcommittee to investigate the relevant facts and issues to determine the validity of each complaint. The subcommittee reported back to the commission at its December 12, 2016 meeting in executive session and recommended the matter be considered by the entire commission on the basis of probable

cause found. A motion on the record finding that there was probable cause to believe an ethical violation had occurred in each case was approved by all voting commissioners present. With the consent of the parties the Ethics Commission conducted a public hearing on both complaints together with three additional complaints receiving testimony and evidence on January 19, 2017 and continued the hearing to February 13, 2017 when it found on the basis of clear and convincing evidence that Ms. Dianne Boisclair and Mr. Robert Groner had violated the Code of Ethics, specifically section 2-54(c), by participating in the trip to the Kentucky Derby. These determinations were the only findings of an ethical violation made by the Ethics Commission with respect to either. The Ethics Commission prepared formal reports of its findings and recommendations which reports were submitted to and received by the Council of the City of Norwich at its March 6, 2017 meeting.

Based on the violations the Ethics Commission made the following recommendations which we summarize:

A. As to Dianne Boisclair

- 1) The Board of Commissioners of the Norwich Public Utilities should not elect her as chairman or vice chairman for the remainder of her appointed term and that she not be selected as a representative of Norwich Public Utilities to CMEEC as well;
- 2) That the Norwich City Council not re-appoint her as a NPU Commissioner at term expiration;
- 3) That she make reimbursement in an amount the Ethics Commission calculated using 25% of the portions of the funds spent for her and her spouse on the trip. The Ethics Commission also recommended that any reimbursement be given to a fund that helps those in Norwich who struggle financially;
- 4) That a letter outlining this ethical violation be included with Ms. Dianne Boisclair's file with the City of Norwich in the Norwich city clerk's office.

B. As to Robert Groner:

- 1) The Board of Commissioners of the Norwich Public Utilities should not elect him as chairman or vice chairman for the remainder of his appointed term and that he not be selected as a representative of Norwich Public Utilities to CMEEC as well;
- 2) That the Norwich City Council not re-appoint him as a NPU Commissioner at term expiration;
- 3) That he make reimbursement in an amount the Ethics Commission calculated using 25% of the portions of the funds spent for him and his spouse on the trip. The Ethics Commission also recommended that any reimbursement be given to a fund that helps those in Norwich who struggle financially;
- 4) That a letter outlining this ethical violation be included with Mr. Robert Groner's file with the City of Norwich in the Norwich city clerk's office.

The Charter of the City of Norwich provides at Chapter XII section 3 that the five commissioners of the Board of Public Utilities Commissioners shall be appointed by the council to staggered five year terms with one member appointed each year. The terms run from March 1<sup>st</sup> of each year such that the council typically reappoints or replaces one commissioner at its first meeting in March of each year.

The Charter of the City of Norwich, at Chapter XII section 4 also provides that the Board of Public Utilities Commissioners shall elect each year from among its members a chairman, a vice chairman, and a secretary. The election of officers is to take place at the first regular meeting of the board following the appointment of a new commissioner for a full term. By resolution adopted March 6, 2017 the Council notified the Board of Public Utilities Commissioners that it did not anticipate making the appointment to the board prior to the second meeting of the council in March of 2017 and directed the city clerk deliver copies of the reports of the Norwich Ethics Commission immediately to the Board of Public Utilities Commissioners including the recommendations on complaints #2016-2 and 2016-3, with the request that the Board of Public Utilities Commissioners not elect officers until the council had completed interviews and made its appointment to the Board. Following the appointment of a new commissioner by the Council of the City of Norwich, the Board of Public Utilities Commissioners met and re-elected Dianne Boisclair, Chair and Robert Groner, Vice Chair, disregarding the recommendation of the Ethics Commission as stated in its findings and recommendations received by the Council of the City of Norwich on March 6, 2017.

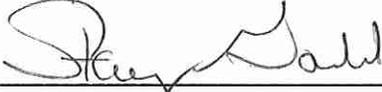
The role of the Council of the City of Norwich in the governance of the city is primarily set out in Chapter V of the Charter. Among other things, the council, at section 13, is assigned power over the organization and operation of the city government; at section 14 the power to make appointments and removals; and at section 15 the power of the council, or any committee thereof when so authorized by the council, to investigate the official conduct of any department or agency of the city government or any officer or employee thereof. Except as otherwise provided in the Charter, the council may remove for improper performance of his duties, for malfeasance or misfeasance in office or for other proper cause any officer or employee appointed by it provided the officer or employee shall have been served with a written notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal and of the time and place, not less than 10 nor more than 30 days after the service of such notice, at which he shall be given the opportunity to be heard thereon. This committee was established by the Council pursuant to Chapter V of the Charter following the re-appoints of Dianne Boisclair and Robert Groner as chair and vice chair of the Board of Public Utilities Commissioners at its 2017 annual meeting.

This committee sought the services of the law firm of Metzger Lazarek and Plumb of Hartford, CT to assist it. After the attorneys had received the necessary materials and information to review and research the issues, a meeting was arranged for the Committee to meet with Attorneys Ken Plumb and Anne Noble of the firm. On May 1, 2017, prior to the meeting, Dianne

Boisclair and Robert Groner both resigned their positions on the Board of Public Utilities Commissioners, effective immediately, which resignations were received at the office of the city clerk on May 1, 2017. On May 3, 2017 the Committee held its scheduled meeting with Attorneys Plumb and Noble and was advised that issues of possible removals as described herein had become moot with the resignations. The Committee was also advised it was unlikely the Council had any independent authority to enforce the recommendations of the Ethics Commission regarding reimbursement.

The Committee discussed with these attorneys pending legislation before the General Assembly of the State of Connecticut, specifically "An Act Concerning Municipal Electric Utility Cooperatives" which legislation would amend sections of Chapter 101a of the Connecticut General Statutes under which municipal electrical energy cooperatives are established. Provisions of this legislation deal specifically with the holding of a strategic retreat or similar activity by a cooperative and imposes restrictions upon the same. Other provisions appear to increase the transparency of municipal electric energy cooperatives as well as provide, in the case of Norwich, for the appointment of a representative to the CMEEC governing board by the Council of the City of Norwich. It is the understanding of the Committee that the legislation has been approved by both houses of the General Assembly and is before the governor.

Having completed its assignment, the Committee would like to go on record as commending the Norwich Ethics Commission for its efforts and dedication with regard to these matters.

  
\_\_\_\_\_  
Alderwoman Stacy Gould

  
\_\_\_\_\_  
Alderman Gerald Martin

Date: 6-14-17

Date: 6-19-17