

**TOWN OF NEW
Ethics Committee**



DURHAM

RULES OF

PROCEDURE

Overview

The Ethics Committee functions as an advisory, educational forum for those individuals seeking information, clarification or advice on a perceived issue. The committee does not handle complaints, manage illegal behavior or other personnel issues, but rather will refer the person and/or issue to the Town Administrator for further follow up. Any feedback and guidance from the Ethics committee would be advisory in nature.

I. AUTHORITY

These "Rules of Procedure" are adopted under the authority of the New Durham Ethics Committee (NDEC).

II. PURPOSE

This document establishes a procedure by which individuals may obtain guidance and education regarding potential ethical issues. It establishes the format whereby the New Durham Ethics Committee may hear inquiries and advise individuals. The NDEC will provide non-binding responses to inquiries. All complaints shall be handled by the Board of Selectmen.

III. OFFICERS

- A. A Chairman shall be elected annually by a majority vote of the NDEC. The Chairman shall preside over all meetings and hearings, appoint such subcommittees as directed by the committee and affix his/her signature in the name of the New Durham Ethics Committee.
- B. A Vice-Chairman shall be elected annually by a majority vote of the NDEC. The Vice-Chairman shall preside in the absence of the Chairman, and have full powers of the Chairman on matters that come before the NDEC during the absence of the Chairman.
- C. A Secretary shall be elected annually and shall maintain a record of all meetings, and decisions of the NDEC and perform such other duties as the committee may direct by resolution.
- D. The officers shall serve for one (1) year and be eligible for re-election.

IV. MEMBERS

- A. Members of the NDEC must reside in the community.
- B. Members are expected to attend all committee meetings to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman as soon as possible.

V. NEW DURHAM ETHICS COMMITTEE MEETINGS AND GUIDELINES

- A. Meetings shall be held as needed at 7:00 PM on the second (2nd) Tuesday of each month. Other meetings may be called by the Chairman, providing public notice and notice to each member are given at least twenty-four (24) hours, excluding Sundays and legal holidays, prior to such meetings. (See also Section VIII "Public Notice.")
- B. A quorum for all meetings of the NDEC shall be three (3) members. A full committee is comprised of five (5) members.
- C. Any potential for conflict of interest on the part of a committee member shall be brought to the attention of the NDEC prior to any involvement of the committee member with the particular inquiry.
- D. If a NDEC member believes that he or she has a conflict of interest with a pending inquiry before the NDEC, the committee member shall notify the Chairman as soon as possible.
- E. When there is uncertainty as to whether or not a member should disqualify himself/herself from any involvement on a particular inquiry, the member or another member of the committee, or a member of the public may ask the NDEC to vote on the question of disqualification. The reasons must be specified before the vote. This must take place before the discussion begins, and the vote shall be advisory and non-binding. The decision to disqualify is solely up to the individual committee member.
- F. When a member disqualifies himself/herself from participation because of a conflict of interest, the committee member:
 - i. Shall not sit at the table with the remaining members of the NDEC while the inquiry is being heard or discussed.
 - ii. Is permitted to speak to the inquiry as a member of the public.

VI. INQUIRIES

All inquiries shall be conducted under the “Right to Know” law (RSA 91-A) except when directed towards a public servant, or town employee who shall be protected by revised state statute RSA 91-A: 3 II (c). In that case the inquiry shall be administered in a non-public session per State of NH law unless the individual to whom the inquiry is directed states the desire to have the matter discussed in public session

An inquiry is an informal, generic question seeking clarification, information or advice from the NDEC on existing or potential situations that might be construed as possible conflicts of interest or violations of the New Durham Ethics Policy. The inquiry does not mention any individual, but rather asks for an explanation from the NDEC regarding specific kinds of conduct.

- i. Residents and taxpayers who have questions about interpretation/application of the Ethics Policy may submit inquiries verbally or *in* writing to the NDEC. Residents and taxpayers are encouraged to submit inquiries in person, however inquiries may be submitted informally to individual committee members. The NDEC *will* honor requests for confidentiality. After discussion at an NDEC meeting feedback will be provided.
- ii. Written inquiries must be sent to the Chair of the NDEC in a sealed envelope marked **“CONFIDENTIAL --FOR THE ATTENTION OF THE NDEC”**. Upon receipt of a written inquiry, the NDEC shall review the inquiry in a public meeting and submit its findings in writing within 90 days to the applicant as well as publish them in the minutes of the meeting.
- iii. Verbal inquiries will be heard and discussed at a scheduled meeting.
- iv. The nature of the inquiry will be recorded by the Secretary to be used as documentation for the Annual Report.

VII. COMPLAINTS

It is not the purpose of this committee to address complaints. It is the sole discretion of the individual submitting the inquiry to bring the matter before the New Durham Board of Selectmen as a formal complaint. Complaints involving town employees shall be handled in accordance with the procedures outlined in the New Durham Personnel Policy.

VIII. PUBLIC NOTICE

Public notice of each NDEC meeting shall be posted at the New Durham Town Hall and the town website not less than twenty-four (24) hours prior for both regular business meetings and meetings that specifically may be called as the result of a written inquiry.

IX. CONDUCT OF MEETING

The agenda shall be available to the public at the meeting. In the event that the subject matter of the agenda involves a non-public meeting, the agenda shall state the statute and be posted accordingly so that the public knows of the non-public nature of the agenda. An attendee sign-in sheet also shall be available at the posted meeting.

The NDEC shall have sole discretion for setting rules regarding the conduct of meetings.

Organization and Proceedings

- i. 'Call to order" and introduction of the NDEC members sitting.
- ii. If a meeting is to be conducted in a non-public session, the Chairman shall take a vote in the following manner: ~
 - **Motion:** _____, **to enter into non-public session under the terms and conditions of RSA 91-A: 3 II (c), second _____ .**
 - **Roll Call: Names of those committee members sitting shall be read, and each member will indicate his or her "yes" or "no" vote accordingly.**

(Note: A majority of "yes" votes is required to enter into non-public session. If the majority vote is "yes," members of the public will be asked to leave because of the non-public nature of the aforesaid vote.)

- iii. The Chairman shall announce the rules of conduct for the meeting. Each person wishing to speak shall:
 1. Be recognized by the Chair before speaking.
 2. State his/her name (spelling it if requested) and relationship to the inquiry.
 3. All questions and comments are to be directed through the Chairman.
- iv. The Chairman shall conduct the meeting according to the following procedures.
 1. Reading of the inquiry.
 2. Determination of any conflict of interest on the part of any NDEC member.

3. Discussion of how the inquiry may pertain to the New Durham Ethics Policy; clarifying questions may be posed by the NDEC members at this time.
4. If in public session, opportunity for interested parties to speak; clarifying questions may be posed by NDEC members at this time.

XII. RECOMMENDATION

All feedback, written or verbal, from the NDEC is based on the information received in the inquiry and is advisory and non-binding.

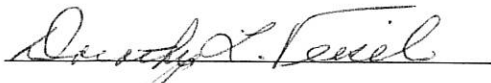
XIII. RECORDS

The records of the NDEC shall be kept by the Town Clerk and made available for public inspection at the New Durham Town Hall in accordance with RSA 673:17 and RSA 91-A, unless such records are sealed by the NDEC in the non- public session and so noted in the minutes.

XIV. AMENDMENTS

These "Rules of Procedure" may be amended by a majority vote of the NDEC members.

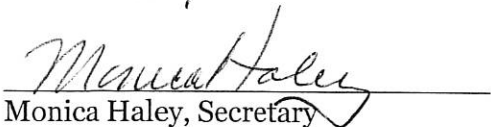
Approved:



Dorothy L Veisel, Chairman



Carol Allen, Vice Chairman



Monica Haley, Secretary



Joan Swenson



Ellen Phillips

Date June 23, 2014

INQUIRY F O R M

Please read the following statements and sign below.

- Copy of the New Durham Ethics Policy may be obtained at the Town of New Durham Website and the town clerk's office
- I have read the Ethics Policy and believe that the attached matter is a fair subject for inquiry.
- Inquiries may be submitted verbally or in writing.
 - a. Verbal inquiries may be presented at any regularly scheduled meeting of the NDEC or to an NDEC member for consideration.
 - b. Written inquiries will be submitted on this form to the chairman in a sealed envelope a minimum of 1 week before a NDEC meeting. If more room is needed, continue on back of this sheet.

Describe briefly: _____

I understand that my signature below indicates that I a resident or tax payer in New Durham.

Name (please print)

Signature _____ Date _____
